

# Personnel Rules

March, 2012



## State of Illinois

Pat Quinn, Governor

**CMS** DEPARTMENT OF  
CENTRAL MANAGEMENT SERVICES

Malcolm Weems, Acting Director



## SUBTITLE B

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND  
POSITION CLASSIFICATIONS

## CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 301  
CLASSIFICATION AND PAY

## SUBPART A: POSITION CLASSIFICATION

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## SUBPART B: PAY PLAN

## Section

301.160	Establishment of Plan
301.170	Provisions of the Pay Plan
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AUTHORITY: Implementing and authorized by the Personnel Code (Ill. Rev. Stat. 1983, ch. 127, par. 63b101 et seq.).

SOURCE: Filed May 29, 1975; emergency amendment at 3 Ill. Reg. 48, p. 188, effective January 1, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 15, p. 216, effective March 31, 1980; amended at 6 Ill. Reg. 362, effective January 1, 1982; codified at 7 Ill. Reg. 13198; amended at 9 Ill. Reg. 11592, effective July 31, 1985.

## SUBPART A: POSITION CLASSIFICATION

**Section 301.5 Definitions**

Wherever used in 80 Ill. Adm. Code: Subtitle B, Chapter I, "Director" shall mean the Director of Central Management Services; and "Department", shall mean the Department of Central Management Services.

**Section 301.10 Classification Plan**

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The Director shall maintain, and revise when necessary, a uniform position classification plan for positions under the Personnel Code based on the similarity of duties and responsibilities assigned so that the same schedule of pay may be equitably applied to all positions in the same class, under the same or substantially the same employment conditions. However, the pay of an employee whose position is reduced in rank or grade by reallocation because of a loss of duties or responsibilities after his/her appointment to such position shall not be required to be lowered for a period of one year after the position reallocation.

**Section 301.20 Allocation**

It is the responsibility of each agency head to report to the Director any significant changes in the duties of every position within the agency. At the request of an agency, or at the discretion of the Director, a survey, audit, or such other investigation as may be deemed necessary by the Director shall be made to determine the proper allocation of any position to a class. Upon written request of an employee, such investigation as may be deemed necessary by the Director shall be made to determine the proper allocation of the employee's position. After making such survey, audit, or other investigation, the Department of Central Management Services shall notify the agency in which such position is located of its decision as to the proper allocation of the position in question. It shall be the responsibility of the head of the agency in which the position is located to notify the incumbent in said position of the decision of the Department of Central Management Services.

**Section 301.30 Reconsideration**

- a) Within 30 days after receiving notice of such decision, the incumbent in such position may make a request in writing of the Director for a reconsideration of the decision. Thereafter, the Director shall reinvestigate the duties and responsibilities of such position and related positions, if necessary, and the affected employee shall be given a reasonable opportunity to be heard.
- b) After such investigation, the Director shall render a decision in writing and it shall be served on the employee in person or by certified mail, return receipt requested, at the last address shown in the personnel file. The effective date of the Director's reconsidered decision shall be the effective date of the allocation decision giving rise to the reconsideration request.
- c) An employee wishing to appeal the Director's reconsidered decision shall serve upon the Civil Service Commission notice of appeal of said reconsidered decision in writing within 15 days after receipt of notice of the reconsidered decision. A copy of the notice of appeal shall also be served upon the Director.

(Source: Amended at 6 Ill. Reg. 362, effective January 1, 1982)

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**Section 301.41 Assignments to Other Classes**

- a) An employee whose position has been allocated to a class having a higher, lower or same maximum permissible salary or rate may remain in the position, provided however, that the Director shall determine in the case of allocation to a class having a higher maximum salary or rate whether, considering the nature of such change in duties, such employee is qualified for the position.
- b) This Section shall not be applicable to individuals whose positions have been allocated to a class which falls within the scope of Term Appointments.

(Source: Amended at 9 Ill. Reg. 11592, effective July 31, 1985)

**Section 301.50 Revised Class Requirements**

When requirements for a class are revised and the duties and responsibilities of positions comprising the class remain essentially unchanged, incumbents in these positions who qualified under the previous requirements for the class will be considered qualified.

## SUBPART B: PAY PLAN

**Section 301.160 Establishment of Plan**

The Director shall prepare and maintain a pay plan for all employees subject to Jurisdiction A of the Personnel Code in accordance with the applicable provisions of the Code.

**Section 301.170 Provision of the Pay Plan**

The Pay Plan shall provide for uniform and equitable starting rates of pay, the time and manner in which subsequent changes of salary may be made, the rate each employee is to be paid, and for rates that are fair and reasonable compensation for the type of employment and services rendered. The Pay Plan may also include other provisions not inconsistent with law to assist in the administration of good personnel practices for the State of Illinois.

**Section 301.180 Approval of Pay Plan**

The Pay Plan and amendments thereto shall be prepared by the Director after consultation with operating agency heads. After preparing the Pay Plan or any amendments, the Director shall submit it to the Governor. The Pay Plan, or amendments thereto, shall become effective only after approval by the Governor and filing with the Secretary of State.

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AUTHORITY: Implementing and authorized by the Personnel Code [20 ILCS 415].

SOURCE: Filed May 29, 1975; amended at 2 Ill. Reg. 33, p. 24, effective September 1, 1978; amended at 3 Ill. Reg. 1, p. 63, effective January 1, 1979; amended at 3 Ill. Reg. 22, p. 78, effective June 1, 1979; emergency amendment at 3 Ill. Reg. 48, p. 188, effective January 1, 1980, for a maximum of 150 days; emergency amendment at 4 Ill. Reg. 1, p. 76, effective January 1, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 11, p. 67, effective March 1, 1980; amended at 4 Ill. Reg. 15, p. 216, effective March 31, 1980; amended at 4 Ill. Reg. 22, p. 227, effective June 1, 1980; amended at 5 Ill. Reg. 8029, effective August 1, 1981; amended at 7 Ill. Reg. 654, effective January 5, 1983; codified at 7 Ill. Reg. 13198; amended at 8 Ill. Reg. 7788, effective May 23, 1984; emergency amendment at 9 Ill. Reg. 241, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 7907, effective May 15, 1985; amended at 10 Ill. Reg. 13940, effective September 1, 1986; amended at 12 Ill. Reg. 5634, effective March 15, 1988; emergency amendment at 12 Ill. Reg. 16214, effective September 23, 1988, for a maximum of 150 days; emergency expired February 20, 1989; amended at 13 Ill. Reg. 3722, effective March 13, 1989; amended at 13 Ill. Reg. 10820, effective June 23, 1989; amended at 13 Ill. Reg. 12970, effective August 1, 1989; amended at 15 Ill. Reg. 17974, effective November 27, 1991; amended at 16 Ill. Reg. 8375, effective May 21, 1992; emergency amendment at 16 Ill. Reg. 11645, effective July 6, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 13489, effective August 19, 1992; amended at 16 Ill. Reg. 17607, effective November 6, 1992; amended at 17 Ill. Reg. 3169, effective March 1, 1993; amended at 18 Ill. Reg. 1892, effective January 25, 1994; amended at 18 Ill. Reg. 17183, effective November 21, 1994; amended at 19 Ill. Reg. 8145, effective June 7, 1995; amended at 20 Ill. Reg. 3507, effective February 13, 1996; amended at 21 Ill. Reg. 15462, effective November 24, 1997; amended at 22 Ill. Reg. 14735, effective August 3, 1998; amended at 26 Ill. Reg. 15285, effective October 15, 2002; amended at 29 Ill. Reg. 11800, effective July 14, 2005; emergency amendment at 30 Ill. Reg. 12366, effective July 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18270, effective November 13, 2006; amended at 31 Ill. Reg. 15069, effective October 26, 2007; emergency amendment at 32 Ill. Reg. 19935, effective December 9, 2008, for a maximum of 150 days; amended at 33 Ill. Reg. 6495, effective April 23, 2009; amended at 33 Ill. Reg. 16560, effective November 13, 2009.

## SUBPART A: APPLICATION AND EXAMINATION

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**Section 302.10 Examinations**

- a) The Director shall conduct open competitive and promotional examinations to determine the relative fitness of applicants. Examinations may include an evaluation of such factors as education, experience, training, capacity, knowledge, manual dexterity, character, and physical fitness. Tests shall be job related and may be written, oral, physical demonstration of skill, an evaluation of physical or manual fitness, or an evaluation of training and experience. Examinations shall consist of one or more tests in any combination. Where minimum or maximum requirements are established for any examination they shall be specified in the examination announcement.
- b) Applicants shall not be questioned with respect to non-merit matters except as is necessary to meet the requirements of law or State policy.
- c) In lieu of announcing or conducting examinations, the Director may accept the results of competitive examinations conducted by any established merit system subject to the Director's determination that such examinations are comparable in difficulty and comprehensiveness to those conducted by the Department of Central Management Services for similar positions.

(Source: Amended at 2 Ill. Reg. 33, p. 24, effective September 1, 1978)

**Section 302.20 Time, Place, Conduct, Cancellation, Postponement and Suspension of Examinations**

Examinations shall be conducted by the Director or the Director's designee at such times and places deemed to be practical, convenient and in the best interests of the State service. The Director may upon timely notice cancel or postpone any examination when there is an insufficient number of qualified candidates. The Director may discontinue offering any examination in the State when there is a sufficient number of eligibles on the eligible list to meet the needs of the State service.

**Section 302.30 Veterans Preference**

- a) Appropriate preference in entrance examinations shall be granted to qualified persons who have been members of the armed forces of the United States or to qualified persons who, while citizens of the United States, were members of the armed forces of allies of the United States in time of hostilities with a foreign country (as set forth in Section 8b7 of the Personnel Code) and to certain other persons as set forth in this Section.
- b) To be eligible, applicant must have received discharge under honorable conditions

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and served under one or more of the following conditions:

- 1) Served, for at least six months, in the armed forces of the United States, the Illinois National Guard, or any reserve component of the armed forces of the United States, or, while a U.S. citizen, must have been a member of the armed forces of an ally of the U.S. in time of hostilities with a foreign country; or
  - 2) Discharged on the grounds of hardship; or
  - 3) Released from active duty because of a service connected disability; or
  - 4) Served for the duration of hostilities regardless of the length of engagement.
- c) Preference will be in the form of points added to the final grades of persons who otherwise qualify and are entitled to appear on the list of those eligible for appointments. Preference in entrance examinations will be granted as follows:
- 1) Ten points shall be added to the entrance examination grade for such veteran eligibles currently holding proof of a service connected disability from the United States Veterans Administration or from such allied country for service connected disabilities or if the veteran is a purple heart recipient.
  - 2) Five points shall be added to the entrance examination grade for such veteran eligibles who have served during a time of hostilities with a foreign country; who meet the qualifications set forth in subsection (b); but who do not qualify for 10 points under subsection (c)(1).
  - 3) A person not eligible for a preference under subsection (c)(1) or (c)(2) is qualified for a preference of 3 points if the person has served in the armed forces of the United States, the Illinois National Guard, or any reserve component of the armed forces of the United States and the person:
    - A) served for at least 6 months and has been discharged under honorable conditions; or
    - B) has been discharged on the grounds of hardship; or
    - C) was released from active duty because of a service connected disability.

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An active member of the National Guard or a reserve component of the armed forces of the United States is eligible for the preference if the member meets the service requirements of this subsection (c)(3).

- d) If category ratings are used, the veteran eligibles in each category shall be preferred for appointment before the non-veteran eligibles in the same category.
- e) A surviving unremarried spouse of a veteran who suffered a service connected death or the spouse of a veteran who suffered a service connected disability that prevents the veteran from qualifying for civil service employment shall be entitled to the same preference to which the veteran would have been entitled under this Section.
- f) A preference shall also be given to the following individuals: 10 points for one parent of an unmarried veteran who suffered a service connected death or a service connected disability that prevents the veteran from qualifying for civil service employment. The first parent to receive a civil service appointment shall be the parent entitled to the preference.
- g) It is the responsibility of each agency head to obtain documentary verification that persons seeking preference under this Section are entitled to such preference. Copies of verifying documents (discharge information such as a DD-214) shall be submitted to the Department of Central Management Services.

(Source: Amended at 20 Ill. Reg. 3507, effective February 13, 1996)

**Section 302.40 Announcement of Examination**

Public announcement of an open competitive examination shall be made at least 2 weeks prior to the date the examination is to be conducted except as otherwise provided for in Section 302.10. Announcements shall be posted on a conspicuous bulletin board in each office of the Department of Central Management Services. Announcements may also be circulated through the press, radio, television, and other forms of public communication. Announcements shall specify the date and manner in which an application for examination shall be made. Announcements of promotional examinations shall be distributed to all agencies subject to the Personnel Code and made available to employees upon request.

(Source: Amended at 2 Ill. Reg. 33, p. 24, effective September 1, 1978)

**Section 302.52 Notice to Eligibles**

In the event a change in the classification or testing standards or other change requires the elimination of an eligible list for a class, or of certain previously qualified eligibles from such a

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list, the Director shall notify each person thus losing eligibility of such new or revised requirements as soon as practicable, and when the revised examination is repeated, shall again notify each person in order that each may be given an opportunity to reestablish eligibility.

**Section 302.55 Grading Examinations**

The Director shall establish passing grades for examinations. Final grading of tests and examinations shall be completed as quickly as is reasonably practicable.

**Section 302.60 Retaking or Regrading Examinations**

The retaking or regrading of examinations will be permitted only in accordance with the following provisions:

- a) Retaking examinations
  - 1) No applicant shall be permitted to retake a test or tests included within an examination until 30 days have elapsed. This limitation may, however, be waived when in the judgement of the Director the best interests of the State require such waiver.
  - 2) No applicant may be permitted to retake a test included within an examination more than 12 months after the original date of examination.
  - 3) For purposes of ranking on eligible lists, the grades of applicants who retake a test or tests included within an examination shall be computed by using the latest passing scores attained by such applicants.
- b) Regrading examinations
  - 1) At the request of an applicant who has completed an open competitive examination, the Director may regrade the examination taken by that applicant for placement on the eligible list for another class when the qualifications and examination standards for the new class are similar to those of the class for which tested.
  - 2) When a candidate makes an application for subsequent examination for the same or a different title having one or more identical tests which had been taken within the preceding 12 months, the Director may utilize the test or tests previously taken in lieu of requiring the candidate to repeat the applicable test or tests included within the examination.

**Section 302.70 Application and Eligibility**

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- a) Admission to competitive examinations shall be granted only to applicants who meet such requirements as have been established by the Department for admission to the examination.
- b) When results of examinations conducted by merit systems other than under the Personnel Code are utilized pursuant to Section 302.10 the requirements of this section on application and eligibility shall be ruled as having been met.

## SUBPART B: APPOINTMENT AND SELECTION

**Section 302.80 Eligible Lists**

- a) The Department shall establish and maintain lists of qualified applicants resulting from open competitive and promotional examinations. Such lists shall be in the order of the relative excellence of the qualified applicants whether by numerical grade or in category groupings.
- b) The Director may limit eligible lists to positions in one or more organizational units or in one or more agencies or to certain areas or locations.
- c) The length of time an eligible list is to be in existence or the length of time a name may remain on the list shall be specified in the examination announcement.
- d) *The director may approve the written request of an agency or applicant to extend the eligibility of a qualified eligible candidate when the extension is necessary to assist in achieving affirmative action goals in employment. The extended period of eligibility shall not exceed the duration of the original period of eligibility and shall not be renewed.* The decision to approve an extension request will be based upon whether there is an under-representation of minority eligibles and will be approved only for those position titles that are not on continuous call for examination.

(Source: Amended at 16 Ill. Reg. 8375, effective May 21, 1992)

**Section 302.90 Appointments**

- a) Except as provided in subsection (b), the filling of a vacant position subject to Jurisdiction B of the Personnel Code may be made in any of the following ways:
  - 1) by appointment from the appropriate open competitive list;
  - 2) by promotion of a certified employee or a probationary employee who has

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been certified during the current period of continuous service from the applicable promotional list after giving appropriate consideration to employee qualifications, performance, seniority, and conduct;

- 3) by reinstatement of a former certified employee;
  - 4) by intra-agency, inter-agency or merit system transfer;
  - 5) by demoting an employee after having filed charges;
  - 6) by accepting an employee's request for a voluntary reduction;
  - 7) by selection from the alternative employment list established under Section 302.91; or
  - 8) for positions subject to Term Appointment, by appointment of the Director or the Chairman of the Department, Board or Commission in which the position is located pursuant to Section 302.820.
- b) No position may be filled by any of the means listed in subsection (a) when there is an available person on a reemployment list for that title in the agency and for the county, location or area in which the position is established, and, no position may be filled by appointment (subsection (a)(1)) or reinstatement (subsection (a)(3)) if there is an available person on the alternative employment list (subsection (a)(7)).

(Source: Amended at 26 Ill. Reg. 15285, effective October 15, 2002)

**Section 302.91 Alternative Employment**

- a) The Department shall establish and maintain an alternative employment list for certified employees who, due to a work related or non-work related disability which permanently precludes the performance of regularly assigned duties, are on disability leave, on other appropriate leave or who are receiving disability benefits. The alternative employment list shall be established and maintained by county or other geographical area approved by the Director. The names of employees shall be placed on the alternative employment list in order of continuous service as defined in Section 302.190 under the following conditions:
- 1) the employee shall voluntarily submit a written request for placement on the alternative employment list and specify the county or area in which he or she will accept employment provided such position is established in that location;



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- 2) the employee shall be eligible for appointment to such alternative employment by virtue of Section 302.10 or 302.610;
- 3) the employee shall be deemed able to perform the duties of the alternative position after examination, if requested, by a person licensed under the Medical Practice Act (Ill. Rev. Stat. 1985, ch. 111, pars. 4401 et seq.) or under similar laws of Illinois, the laws of other states or countries, or by an individual authorized by a recognized religious denomination to treat by prayer or spiritual means.
- b) Refusal of an employee to request placement on the alternative employment list shall not jeopardize the employee's eligibility for any benefit relating to the disability to which he or she would otherwise be entitled.
- c) After appointment to an alternative employment position, the employee shall be entitled to all the rights, benefits and privileges of jurisdictions A, B and C and any applicable collective bargaining agreement.
- d) The Director shall remove the name of any employee from the alternative employment list who refuses an offer of employment in a position if he or she is able to perform the duties of that position but shall not remove the name if the employee cannot perform the duties of the position due to the disabling condition or reasons related to the disability.

(Source: Added at 12 Ill. Reg. 5634, effective March 15, 1988)

**Section 302.100 Geographic Preference**

Applicants for employment shall specify one or more of the locations or areas in which they will accept employment from those choices made available at the time of the examination or which may be made available at a later date.

**Section 302.105 Pre-Employment Screening**

- a) Agencies may implement programs for pre-employment screening of persons who the Department has determined are eligible under this Part. Any program for pre-employment screening of eligibles, as well as the standards established by the appointing agency as a part of such screening, including but not limited to performance tests, mental ability tests, physical agility tests, job knowledge tests, assessment center evaluations, medical examinations, drug use tests, polygraph tests, personality inventory or other psychological tests, or any height/weight/age/sex requirement, shall be implemented only after review and

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approval by the Director. Any substantive changes to previously approved pre-employment screening programs or standards (i.e., changes which could add potentially disqualifying criteria for job applicants) must also be approved by the Director prior to implementation. Procedures for routine reference verification and pre-employment background checking shall not require prior approval of the Director.

- b) If an agency is operating a program for pre-employment screening on the effective date of this Section, such program, as well as the standards, must be submitted to the Director for approval within sixty (60) days of the effective date of this Section.
- c) In determining whether new or existing pre-employment screening programs or substantive changes to previously approved programs should be approved, factors the Director will consider include job relatedness, compliance with federal or state statutes and regulations, the needs of the requesting agency and consistency with the examination program provided in this Part.

(Source: Added at 13 Ill. Reg. 10820, effective June 23, 1989)

**Section 302.110 Appointment From Eligible List**

When an appointment to a position is made from an eligible list resulting from an open competitive or promotional examination, such appointment shall be made of the person standing among those who are available within the 3 highest grades, if such a list is in order of examination grade, or from the highest ranking group, if such list is in category groupings, except as provided for under Section 302.160.

(Source: Amended at 2 Ill. Reg. 33, p. 24, effective September 1, 1978)

**Section 302.120 Responsibilities of Eligibles**

It shall be the responsibility of each eligible to inform the Department in writing of any changes in address or availability for employment.

**Section 302.130 Removal of Names From Eligible Lists**

- a) The Director shall remove names from an eligible list for any of the following reasons:
  - 1) Appointment of an eligible from the eligible list;
  - 2) Death of an eligible;

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- 3) Notice by postal authorities that they are unable to locate the eligible at his/her last known address;
  - 4) Attempt by an eligible to practice any deception or fraud in connection with an examination;
  - 5) Information that the eligible lacks any of the qualifications required for the class for which he/she was erroneously declared eligible;
  - 6) Request of an eligible to remove name.
- b) The Director may remove names from an eligible list for any of the following reasons. Eligibles shall be notified of such removal.
- 1) Failure of an eligible, upon referral, to reply or to report for interview;
  - 2) After accepting employment, failure without good cause to report to work within the time prescribed by the employing agency or the Department of Central Management Services;
  - 3) Failure of an eligible, upon request, to furnish written evidence of availability for employment;
  - 4) Specifying conditions of employment by an eligible which are not associated with the class for which eligible;
  - 5) Refusal of an eligible to accept 2 separate offers of employment;
  - 6) After an eligible has been passed over 3 times after referral to the same agency for the appointment of an eligible lower on the eligible list, and the agency concerned requests removal of the eligible from the list;
  - 7) Poor work history of eligible;
  - 8) Former experience and history of eligible not compatible with duties and responsibilities of the class;
  - 9) Physical inability of eligible to perform the duties and responsibilities of the class;
  - 10) At the request of an agency for good and sufficient cause;

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- 11) After eligible accepts promotion;
- 12) When a change in either classification or testing standards or other change requires such action;
- 13) Conviction of an eligible of a felony;
- 14) Addiction of an eligible to narcotics or to alcohol.

**Section 302.140 Replacement of Names on Eligible List**

- a) The Director may restore a name to the same eligible list when such action is in the best interest of the State.
- b) Names of veterans returning from active military service of not more than 4 years shall be restored to an eligible list for the same class if the request is made by the veteran within 90 days after discharge or from hospitalization continuing after discharge for not more than one year. The eligible must provide evidence of satisfactory completion of training and service when making the request and be qualified to perform the current duties of the class.
- c) Names of employees who are laid off during their probationary period shall be returned to the eligible list for the class in which the layoff occurred.
- d) Names so restored shall be at the grade in effect when the removal from the list was made and may not remain on the list after that period of time which is equal to the unexpired time remaining of the original eligibility.

**Section 302.150 Appointment and Status**

The following types of appointment and status may be made by the Director:

- a) Exempt: For persons in positions not subject to Jurisdiction B. If an exempt employee's position becomes subject to Jurisdiction B by reason of extension of Jurisdiction B, pursuant to Section 4b of the Personnel Code, such employee shall establish eligibility for such position by passing satisfactorily a qualifying examination prescribed by the Director within 6 months after the extension of Jurisdiction B to such position. In all other cases, if an exempt employee's position becomes subject to Jurisdiction B, such employee shall establish eligibility for such position within 6 months by successfully competing in the open competitive examination and receiving a probationary appointment according to applicable rules.

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- b) Emergency: For persons selected by agencies to meet emergency situations. Such appointments shall not exceed 60 days, shall not be renewed and may be made without regard to an eligible list. Notices of selections and terminations shall be reported immediately to the Director.
- c) Temporary: For persons in positions to perform temporary or seasonal work. No position shall be filled by temporary appointment for more than 6 months out of any 12-month period.
- d) Provisional: For persons in positions for which there are fewer than 3 available eligibles on the open competitive eligible list. No positions shall be filled by provisional appointment for more than 6 months out of any 12-month period. If a provisional employee's position is allocated to a class for which there are available eligibles, eligibility for such position shall be established within 90 days through successfully competing in the open competitive examination and receiving a probationary appointment according to the applicable rules herein.
- e) Probationary: For persons appointed from an eligible list, for persons receiving a promotion and for persons being reinstated. If a probationary employee's position is declared exempt from Jurisdiction B, the balance of the probationary period shall be served after which certified status shall be attained.
- f) Certified: For persons having successfully completed the required probationary period. If a certified employee's position is declared exempt from Jurisdiction B, certified status shall be retained in that position.
- g) Trainee: For persons in positions pursuant to established trainee and apprenticeship programs.
- h) Term: For persons appointed for a four year term. At the expiration of four years, the appointment automatically terminates unless renewed by the Director or Chairman of the employing department, commission or board. During the term of appointment, these persons shall be subject to Jurisdictions A, B, and C of the Personnel Code.
- i) Intermittent: For persons appointed pursuant to subsections (e) or (f) above whose work schedule varies from the regular work schedule of the operating agency as provided in an intermittent program established pursuant to Section 302.325. Incumbents in positions given intermittent status pursuant to such programs shall be allowed to remain in the position at the time the intermittent status is given.

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- j) Interim Assignment: For a certified non-bargaining unit employee in a salary grade or merit compensation (including broad-band and medical administrator) position assigned to perform on a full-time interim basis and be accountable for the higher-level duties and responsibilities of a non-bargaining unit, salary grade or merit compensation (including broad-band and medical administrator) position. The position shall have higher-level duties and responsibilities within the same broadband position classification or a position classification with a higher pay grade or range. The interim assignment shall be to a position within the same agency. The agency shall provide written justification of the need for the interim assignment and the interim assignment occurs upon the approval of the Director of Central Management Services. The initial interim assignment of the employee to the position shall not exceed six months, but may be extended in six-month increments upon the approval of the Director of Central Management Services, for good cause shown. The agency shall ensure that the minimum training and experience qualifications are met for the position with higher-level duties and responsibilities. The employee must request a leave of absence from the current position to accept the interim assignment. An employee in interim assignment status cannot be transferred or promoted.

(Source: Amended at 30 Ill. Reg. 18270, effective November 13, 2006)

**Section 302.160 Extension of Jurisdiction B**

- a) Employees in positions to which Jurisdiction B is extended pursuant to Section 4b of the Personnel Code, and employees appointed pursuant to the provisions of Section 17a of the Personnel Code shall be continued in such positions and shall attain certified status therein provided they pass a qualifying examination prescribed by the Director within 6 months after such jurisdiction is extended, or, in the case of employees appointed pursuant to Section 17a, within 6 months after their appointments, and provided they satisfactorily complete their respective probationary periods.
- b) Appropriate standards for probationary appointments shall be prepared by the Director and appointments of such employees shall be without regard to eligible lists and without regard to the provisions of the Personnel Code and this Part requiring the appointment of the person standing among the 3 highest on the appropriate eligible list to fill a vacancy or from the highest category ranking group if the list is by rankings instead of numerical ratings. Nothing herein shall preclude the reclassification or reallocation as provided by these Rules of any position held by any such incumbent.

## SUBPART C: TRAINEES

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**Section 302.170 Programs**

The Director may establish trainee or apprenticeship programs for new and/or incumbent employees in accordance with the Position Classification Plan or at the request of an operating agency. No trainee position under this Part shall be established in any class other than a trainee class. A trainee or apprenticeship program shall prescribe the purpose, duration and method of selection and shall include curriculum information and employee benefits in a form and manner required by the Director. A trainee or apprenticeship program may be established for one or more of the following purposes and shall be for a duration not to exceed the limits stated in the class specifications therefor.

- a) To develop, through an established program of supervised training and experience, qualified employees for positions which are, in the judgment of the Director, difficult to fill with qualified employees;
- b) To cooperate with recognized educational institutions and organizations by making available opportunities for supervised training and work experience required for satisfactory completion of such cooperative or affiliate training programs;
- c) To provide specialized orientation and training necessary for satisfactory performance of jobs in technical or professional fields;
- d) To attract and interest better qualified employees to State service by selecting outstanding persons and giving them supervised work experience during their period of academic training.
- e) To provide training or developmental work experience for the socially, culturally, economically or physically disadvantaged which would assist them in acquiring or augmenting employment skills and/or provide employment opportunities of limited duration.

(Source: Amended at 3 Ill. Reg. 1, p. 63, effective January 1, 1979)

**Section 302.175 Appointments**

Appointment to a trainee position shall be made pursuant to a trainee or apprenticeship program established and approved in accordance with Section 302.170.

(Source: Amended at 3 Ill. Reg. 1, p. 63, effective January 1, 1979)

**Section 302.180 Limitations on Trainee Appointments**

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- a) Any trainee appointed to a position in a trainee class in accordance with the Rules of the Department concerning Examinations and Eligible Lists, Sections 302.10 through 302.160, shall be appointed to a permanent position only after passing an appropriate competitive promotional examination for the title for which he/she is training and his/her name has been reached on the promotional eligible list.
- b) Any trainee directly appointed in a training class without open competitive examination shall obtain a probationary appointment in the title for which he/she is training only after he/she has passed the appropriate open competitive examination and his/her name has been reached on the resulting eligible lists, except that a trainee appointed to serve in a highly technical or management training program approved by the Director of Central Management Services shall obtain probationary appointment in the title for which he/she is being trained only after successful completion of the approved training program, and after passing an appropriate competitive promotional examination for the title for which he/she is training and his/her name has been reached on the promotional eligible list.

(Source: Amended at 17 Ill. Reg. 3169, effective March 1, 1993)

## SUBPART D: CONTINUOUS SERVICE

**Section 302.190 Definitions**

- a) Continuous service for purposes of this Part is the uninterrupted period of service from the date of original appointment to State service in any position subject to jurisdiction B except as provided in b and c below.
- b) Employees who have accrued continuous service in another merit system in the State service or who have accrued continuous service in State service not covered by any merit system, and who have been transferred to an agency subject to the Personnel Code, shall be given such credit for said service as shall be determined by the Director or required by law.
- c) *Effective September 1, 1981, any employee of the State of Illinois exempt from the Personnel Code by virtue of Section 4c(4) who is appointed in any status under the provisions of the Personnel Code within 32 days after terminating such exempted employment is entitled to receive credit for continuous service as if such employment were continuous with the appointment under the provisions of the Personnel Code, except that the interim period between employments, if in excess of four calendar days, shall constitute a deduction from continuous service. (Sec. 8f of the Personnel Code, Ill. Rev. Stat. 1983, ch. 127, par. 63b108f)*
- d) For purposes other than this Part, continuous service is the uninterrupted period of



## SUBTITLE B

service from the date of original appointment to State service under the Personnel Code except as provided in Section 302.250 and Section 303.155.

(Source: Amended at 13 Ill. Reg. 12970, effective August 1, 1989)

**Section 302.200 Interruptions In Continuous Service**

Continuous service shall be interrupted by:

- a) Resignation; provided, however, that such continuous service will not be interrupted by resignation when an employee is employed in another position subject to jurisdiction B in the State service within 4 calendar days of such resignation;
- b) Discharge; provided, however, such continuous service shall not be interrupted if the employee is retained in the position after a hearing before the Civil Service Commission;
- c) Termination; because an employee has not been reemployed in a position subject to jurisdiction B within 2 years after layoff.

(Source: Amended at 13 Ill. Reg. 12970, effective August 1, 1989)

**Section 302.210 Deductions From Continuous Service**

Except as provided in Section 302.240, the following shall be deducted from, but not interrupt continuous service:

- a) Time away from work for any leaves of absence without pay totaling more than 30 days in any 12-month period except time away from work for a leave of absence to accept a temporary, provisional, emergency or exempt assignment in another class shall not be deducted from continuous service;
- b) Time away from work because of disciplinary suspensions totaling more than 30 days in any 12-month period;
- c) Time away from work because of indeterminate layoff.

(Source: Amended at 7 Ill. Reg. 654, effective January 5, 1983)

**Section 302.215 Leave of Absence for Educational Purposes**

The administrative head of an operating agency may grant an employee an educational leave of

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absence for the purpose of engaging in a training course. No educational leave may be granted unless in the judgment of the agency head the training course would benefit the State of Illinois by improving the employee's qualifications to perform the duties of the employee's position or by qualifying the employee for advancement in rank or grade to another position in State service.

**Section 302.220 Veterans Continuous Service**

- a) Leaves of absence shall be granted to all employees, except temporary or emergency employees, who leave their positions and enter military service for 5 years or less (exclusive of any additional service imposed pursuant to law). An employee shall be restored to the same or a similar position on making an application to his/her employing agency within 90 days after separation from active duty or from hospitalization or convalescence continuing after discharge for not more than two years. The employee must provide evidence of satisfactory completion of training and military service when making application and be qualified to perform the duties of the position.
- b) Subject to the provisions of Section 302.110, a veteran who returns to State service after having been granted a leave of absence from provisional status shall be permitted and required to pass the same or similar examination for his/her position within 90 days.
- c) Trainees who have not previously done so and whose training was interrupted by military leave, shall be required to qualify in an examination in the trainee class before being granted allocation or non-competitive promotion to a higher class.

(Source: Amended at 33 Ill. Reg. 6495, effective April 23, 2009)

**Section 302.230 Peace or Job Corps Enrollees Continuous Service**

Any employee who volunteers and is accepted for service in the overseas or domestic peace or job corps shall be given a leave of absence from his/her State employment for the duration of his/her initial period of service and restored to the same or similar position provided that the employee returns to his/her employment within 90 days of the termination of his/her service or release from hospitalization from a service connected disability.

**Section 302.240 Accrual and Retention of Continuous Service During Certain Leaves**

During an educational, military, Peace or Job Corps or disability leave, an employee shall retain and accrue continuous service provided return to employment occurs. No other benefit arising from this Part shall be granted or paid during such leaves.

(Source: Amended at 4 Ill. Reg. 22, p. 227, effective June 1, 1980)

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**Section 302.250 Limitations on Continuous Service**

Temporary and emergency employees employed after July 1, 1957, shall not accumulate continuous service except as provided in Public Act 77-1823.

## SUBPART E: PERFORMANCE REVIEW

**Section 302.260 Performance Records**

- a) Performance records shall constitute any material in an employee's personnel file which, in the judgment of the Director, is relevant to determining the appropriateness of proposed or recommended personnel transactions.
- b) Such records shall be considered by the Director in all cases of promotion, demotion, discharge, layoff, recall, reinstatement, geographical transfer and certification.

**Section 302.270 Performance Evaluation Forms**

- a) Performance records shall include an evaluation of employee performance prepared by each agency on forms prescribed by the Director.
- b) For any employee serving a six month probationary period, the agency shall prepare and submit to the Department two such evaluations, one at the end of the third month of the employee's probationary period and another 15 days before the conclusion thereof.
- c) For an employee serving a four month probationary period, the agency shall prepare and submit to the Department an evaluation form three and one half months after the commencement of the probationary period.
- d) For a certified employee, each agency shall prepare such evaluation not less often than annually.

(Source: Amended at 22 Ill. Reg. 14735, effective August 3, 1998)

## SUBPART F: PROBATIONARY STATUS

**Section 302.300 Probationary Period**

- a) A probationary period of six months shall be served by:

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- 1) an employee who enters State service or commences a new period of continuous service, except an employee who is reinstated as provided under Section 302.610;
  - 2) an employee who is appointed from an open competitive eligible list, whether or not it be considered an advancement in rank or grade.
- b) A probationary period of four months shall be served by any employee who is promoted pursuant to Subpart G or reinstated on or after January 1, 1999, pursuant to Section 302.610. Employees reinstated prior to January 1, 1999 shall serve a six month probationary period.
  - c) An employee transferred during the probationary period shall serve that portion of the probationary period that was not completed at the time of the transfer.
  - d) A probationary period shall not be deemed to be continued by the payment of any sum for vacation or other benefits accrued during the probationary period.
  - e) If an employee is absent from work for more than 15 consecutive calendar days during the probationary period because of leave of absence, disciplinary suspension, sick leave, unauthorized absence, or work related injury or industrial disease, the absence shall serve to extend the probationary period by the length of the absence.

(Source: Amended at 31 Ill. Reg. 15069, effective October 26, 2007)

**Section 302.310 Certified Status**

A probationary employee shall attain certified status only after successful completion of a probationary period. Notice of certification will be sent to the employee and agency by the Director promptly thereafter.

**Section 302.320 Status Change in Probationary Period**

An employee may not be promoted, demoted, discharged, or transferred during the probationary period without the approval of the Director.

**Section 302.325 Intermittent Status**

Provisions applying to employees in intermittent status shall be contained in an intermittent program established in a form and manner approved by the Director. The Director or Chairman of a department, board or commission may request that a position within the agency be given intermittent status. Such request shall be accompanied by written justification for why

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intermittent status is necessary or desirable. The Director of Central Management Services will approve or deny the request based on factors such as the agency's justification, other alternatives which could be implemented to address the agency's needs and the potential fiscal and personnel consequences if the request is not granted.

(Source: Amended at 16 Ill. Reg. 17607, effective November 6, 1992)

## SUBPART G: PROMOTIONS

**Section 302.330 Eligibility for Promotion**

The Director may approve the promotion of qualified employees who have established eligibility for the appropriate class through examinations in accordance with merit standards set forth in Section 302.10.

**Section 302.335 Limitations On Promotions**

No provisional, temporary, emergency or probationary employee shall be promoted unless the employee has previously held certified status during his/her current period of continuous service.

**Section 302.340 Failure to Complete Probationary Period**

- a) A promoted certified employee who does not satisfactorily complete the probationary period in the promoted position because of inability to perform the duties and responsibilities of the new promoted position shall be returned to a position in the class, agency and locality and with the status from which promoted.
- b) A promoted employee previously certified during the current period of continuous service may be discharged for cause during the probationary period and, in such event, the employee has the same rights to appeal as a certified employee.

(Source: Amended at 10 Ill. Reg. 13940, effective September 1, 1986)

## SUBPART H: EMPLOYEE TRANSFERS

**Section 302.400 Transfer**

A transfer is the assignment of an employee to a vacant position whose classification has the same maximum permissible salary or rate.

**Section 302.410 Intra-Agency Transfer**

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An employee may be transferred to a position in the same class to which appointed or to a position involving similar qualifications, duties, responsibilities and salary range, in another division, section, or other unit, within the employing agency. No such transfer shall be made without the approval of the Director.

**Section 302.420 Inter-Agency Transfer**

An employee may be transferred to a position in the same class, or to a position involving similar qualifications, duties, responsibilities and salary range in another agency, with the approval of both agencies, the Director, and with the consent of the employee.

**Section 302.425 Merit System Transfer**

- a) An employee of the State of Illinois who holds certified status or its equivalent in a merit system other than the Personnel Code may be transferred to a position which is subject to Jurisdiction B of the Personnel Code and which has comparable qualifications, duties, responsibilities and salary range, as determined by the Director, who shall consider:
  - 1) the amount of training and experience required to meet the classification standards as contained in the "Position Classification Specification" for the position being filled, in comparison with the training and experience of the person requesting the transfer;
  - 2) the salary range or wage rates of the position being filled with the salary range or wage rates of the position filled by the person requesting the transfer and there is a value common to both salary ranges or wage rates; and
  - 3) if the level of, type of, and degree of duties and responsibilities of the position being filled are significantly comparable to the duties and responsibilities of the position currently filled by the person requesting the transfer, as contained in the "Position Classification Specifications", for both positions.
- b) Approval of the employing agency, the Director and the consent of the employee is required.
- c) Such transferred employee shall retain certified status and shall be given credit for continuous service for such employment under the other merit system.

(Source: Added at 9 Ill. Reg. 7907, effective May 15, 1985)

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**Section 302.430 Geographical Transfer (Agency Directed)**

Geographical transfer is the transfer of an employee from one geographical location in the State to another for the performance of duties other than temporary assignments or details for the convenience of the employer. Geographical transfers shall be made only with the approval of the Director. The Director in determining whether to approve a transfer shall use information detailed in Section 302.431. An employee who refuses to accept a geographical transfer must report for duty at the new location but may make written appeal of such transfer to the Civil Service Commission within 15 days after the effective date of the transfer. An employee shall be reimbursed for all reasonable transportation and moving expense incurred in moving to a new location because of permanent geographical transfer.

(Source: Amended at 3 Ill. Reg. 22, p. 78, effective June 1, 1979)

**Section 302.431 Geographical Transfer (Agency Directed) Procedures**

A proposed geographical transfer is subject to the approval of the Director before becoming effective and shall include the following information for the organizational unit from which the geographical transfer is proposed.

- a) a statement of reason(s) for transfer;
- b) a list of all employees in the affected unit showing title, status and total continuous service;
- c) a list of those employees to be transferred;
- d) performance records for all employees in classes affected by the transfer;
- e) an explanation of any transfer not in order of least continuous service for affected classes; and
- f) an explanation of the organizational unit selected, reflecting agency, facility, geographical, operational and other elements being considered relevant by the agency head.

(Source: Amended at 3 Ill. Reg. 22, p. 78, effective June 1, 1979)

**Section 302.432 Notice To Employee**

Notice of an approved geographical transfer (agency directed) shall be served on the employee by the Director in person or by certified mail, return receipt requested, at the employee's last address appearing in the personnel file.

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**Section 302.433 Effective Date of Geographical Transfer (Agency Directed)**

Unless extraordinary operating conditions or events are specified in the proposed transfer plan, no geographical transfer shall be effective until 10 working days after the Director's approval of the transfer plan.

(Source: Amended at 3 Ill. Reg. 22, p. 78, effective June 1, 1979)

**Section 302.435 Employee-Requested Geographical Transfer**

An employee-requested geographical transfer is the transfer of an employee from one geographical location in the State to another for performance of duties other than temporary assignments or details for the convenience, and at the written request, of the employee. Employee-requested geographical transfers shall not become effective until the Director verifies the employee's request, the agency approval and that a current vacant position exists. When an employee requests and accepts such geographical transfer the agency shall not be required to reimburse employee for any transportation of moving expenses.

(Source: Amended at 3 Ill. Reg. 22, p. 78, effective June 1, 1979)

**Section 302.440 Rights of Transferred Employees**

A transferred employee shall retain status, continuous service and all accrued benefits.

**Section 302.445 Transfer of Duties**

When the duties of a position are relocated by transfer or by abolition and reestablishment and when said duties are substantially the same, an incumbent employee may elect to relocate and retain the duties of the position.

**Section 302.450 Limitations on Transfers**

Temporary, emergency, and provisional employees shall not be transferred.

**Section 302.460 Employee Records**

When an employee has been transferred or resigns to accept a position in another agency, a copy of the agency personnel file, if any, shall be forwarded to such agency.

## SUBPART I: DEMOTION

**Section 302.470 Demotion**



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- a) Demotion is assignment of an employee to a vacant position in a class having a lower maximum permissible salary or rate than the class from which the demotion was made for reasons of inability to perform the work of the class from which the demotion was made.
- b) An operating agency may initiate demotion of an employee by filing written statement of reasons for demotion with the Director in the form and manner prescribed. Such written statement shall be signed by the head of the operating agency, and shall contain sufficient facts to show good cause for the demotion. No demotion shall become effective without the prior approval of the Director who shall take into consideration the employee's education, experience and performance records.

**Section 302.480 Notice to Employee**

If the statement of reasons for demotion of a certified employee is approved by the Director, a copy of the approved statement of reasons for demotion shall be served on the employee by the Director in person or by certified mail, return receipt requested at the employee's last address appearing in the personnel file.

**Section 302.490 Employee Obligations**

Upon receipt by the employee of the approved statement of reasons for demotion or upon the effective date thereof, whichever is later, the employee shall leave the position in which assigned prior to such statement of reasons and report for duty to the position to which demoted and such report shall be without prejudice to right of appeal under Section 302.496.

**Section 302.495 Salary and Other Benefits of Employee**

Upon receipt by the employee of the approved statement of reasons for demotion, or on the effective date thereof, whichever is later, all salaries and benefits of such employee in the position in which assigned prior to receipt of such statement of reasons shall be adjusted to reflect the demotion.

**Section 302.496 Appeal by Certified Employee**

A certified employee who has been served with approved statement of reasons for demotion may appeal to the Civil Service Commission, provided such appeal is made in writing within fifteen days of receipt of the approved statement of reasons for demotion.

**Section 302.497 Demotion of Other Employees**

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The Director may approve the demotion of probationary employees. Notice of such demotion shall be served on the employee by the Director, in person or by certified mail, return receipt requested at the employee's last address appearing in the personnel file.

**Section 302.498 Status of Demoted Employees**

A demoted certified employee shall be certified in the class to which demoted and shall not be required to serve a new probationary period. A demoted probationary employee shall serve a new probationary period in the class to which he/she is demoted unless such employee held certified status in the class to which demoted during the current period of continuous service.

(Source: Amended at 10 Ill. Reg. 13940, effective September 1, 1986)

## SUBPART J: VOLUNTARY REDUCTION AND LAYOFFS

**Section 302.500 Voluntary Reduction of Certified and Probationary Employees**

Certified and probationary employees may voluntarily request or accept assignment to a vacant position in a class having a lower maximum permissible salary or rate. All requests for or acceptances of such voluntary reductions shall be in writing, and shall be signed by the employee and be directed to the head of the agency in which the vacant position exists. No reduction shall become effective without the written approval of the Director. A certified employee who is assigned and accepts a voluntary reduction in grade shall be certified in the lower class without serving a probationary period and a probationary employee, the balance of the probationary period; provided however, if reduction results in return to a trainee class or other class for which there is no provision for certification in said class, the individual's certification shall be terminated.

**Section 302.505 Limitations in Voluntary Reduction**

Temporary, emergency, and provisional employees shall not be granted a request for a voluntary reduction.

**Section 302.507 Definition of Layoff**

A layoff is the placement of an employee in non-paid and non-working status without prejudice either temporarily or indeterminately. No agency may lay off, either temporarily or indeterminately, an employee as a means or form of discipline.

(Source: Amended at 8 Ill. Reg. 7788, effective May 23, 1984)

**Section 302.510 Temporary Layoff**

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An operating agency may temporarily lay off any employee for not more than five scheduled workdays in any 12-month period as a result of or for lack of work or lack of funds. Based on class, location, funding, agency or other designation, and taking into consideration continuous service and performance, the temporary layoff of employees shall occur within an organizational unit justified by operations. The head of the operating agency shall notify the Director of any temporary layoff, its organizational unit, the name of any employee temporarily laid off and the reason(s) therefor prior to the effective date of the temporary layoff.

(Source: Amended at 9 Ill. Reg. 7907, effective May 15, 1985)

**Section 302.512 Use of Accrued Benefits During Temporary Layoff**

An employee is not entitled to use any accrued benefit time in lieu of temporary layoff. Temporary layoff does not create any reemployment rights pursuant to Section 302.570.

(Source: Amended at 8 Ill. Reg. 7788, effective May 23, 1984)

**Section 302.514 Notice of Temporary Layoff**

Notice of temporary layoff shall be served on the employee by the agency 30 working days in advance of the effective date unless extraordinary operating conditions or events preclude such advance notice.

(Source: Amended at 33 Ill. Reg. 16560, effective November 13, 2009)

**Section 302.516 Return From Temporary Layoff**

Upon expiration of a temporary layoff, the employee shall be returned to the position, the position classification and location from which temporarily laid off by the agency.

(Source: Added at 7 Ill. Reg. 654, effective January 5, 1983)

**Section 302.518 Scheduling for Temporary Layoffs**

Temporary layoffs affecting more than one employee may occur with varying effective dates or may occur sequentially and from time to time as long as no employee is temporarily laid off for more than five scheduled workdays in any 12-month period. An agency shall consider an employee's preference in scheduling a temporary layoff, subject to the operating needs of the agency.

(Source: Added at 7 Ill. Reg. 654, effective January 5, 1983)

**Section 302.519 Deferral of Wages**

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In lieu of temporary layoffs, the State may enter into a collective bargaining agreement for deferral of wages.

(Source: Added at 7 Ill. Reg. 654, effective January 5, 1983)

**Section 302.520 Indeterminate Layoff Procedure**

- a) An operating agency may request the indeterminate layoff of an employee because of lack of funds, material change in duties or organization or lack of work or the abolition of a position for any of these reasons. Based on class, option, agency, county or other designation, an indeterminate layoff shall be within organizational units justified by operations and approved prior to the layoff by the Director.
- b) A proposed indeterminate layoff is subject to the approval of the Director before becoming effective and shall include the following in the organizational unit in which the indeterminate layoff is proposed.
  - 1) a list of all employees showing status and total continuous service;
  - 2) a listing of those employees to be laid off;
  - 3) performance records of all employees affected by layoff plan;
  - 4) an explanation of any layoff not in order of continuous service;
  - 5) an explanation of the organizational unit selected, reflecting agency, facility, geographical, operational and other elements deemed relevant by agency head.

(Source: Amended at 33 Ill. Reg. 16560, effective November 13, 2009)

**Section 302.523 Voluntary Indeterminate Layoff**

The Director may accept as part of a proposed indeterminate layoff plan the voluntary layoff of an employee without reference to Section 302.520(b)(3) and (b)(4) provided the employee is employed in an affected position classification and in the proposed layoff unit and provided such voluntary layoff is formally requested by the employee prior to the submission of the layoff plan to the Director as required in Section 302.520. Such voluntarily laid off employee shall, if certified in accordance with Section 302.530, be entitled to reemployment rights in accordance with Section 302.570 or if probationary, in accordance with Section 302.595. In accepting an employee's request for voluntary layoff the agency head shall consider the operating needs of the

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agency as well as the wishes of the employee.

(Source: Added at 7 Ill. Reg. 654, effective January 5, 1983)

**Section 302.525 Disapproval**

The Director may disapprove by returning to the originating agency any indeterminate layoff plan which results in a disproportionate impact on affected employees on achieving equal employment opportunity goals.

(Source: Amended at 7 Ill. Reg. 654, effective January 5, 1983)

**Section 302.530 Order of Layoff**

- a) The following order shall be observed in making an indeterminate layoff:
  - 1) No certified, probationary, or provisional employee may be laid off until all exempt, temporary, and emergency employees in the same class, option and approved layoff organizational unit are terminated;
  - 2) No certified or probationary employee may be laid off until all provisional employees in the same class, option and approved layoff organizational unit are terminated;
  - 3) No certified employee may be laid off until all probationary employees in the same class, option and approved layoff unit are laid off.
  - 4) Certified employees will be laid off in reverse order of continuous service in the same class, option and approved layoff unit.
- b) Within status groups and in accordance with the layoff plan submitted under Section 302.520, consideration shall be given to performance records and continuous service as defined in Section 302.190.
- c) For purpose of this Section, "certified employee" shall mean any employee who has satisfactorily completed a required period of probation and/or attained certified status in any position during the employee's most recent period of continuous service.

(Source: Amended at 33 Ill. Reg. 16560, effective November 13, 2009)

**Section 302.540 Effective Date of Layoff**

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Merit compensation system/broad-banded employees subject to layoff shall be given 30 days notice of the layoff by the employing agency. A list of all current non-bargaining unit vacancies of all positions within the agency shall be provided to the merit compensation system/broad-banded employee with the notice of layoff. If any bargaining unit vacancy remains after all contractual obligations are fulfilled, those bargaining unit vacancies may be offered to non-bargaining unit staff to minimize the impact of the layoff. Vacancy for any employee subject to layoff is defined as the current, funded, vacant position that management has the present intention to fill. Unless extraordinary operating conditions or events are specified in the proposed layoff plan, no indeterminate layoff shall be effective until ten working days after the Director's approval of the layoff plan.

(Source: Amended at 33 Ill. Reg. 16560, effective November 13, 2009)

**Section 302.545 Filling of Vacancies by Merit Compensation System/Broad-Banded Employees Subject to Layoff via Transfer**

Each merit compensation system/broad-banded employee who is subject to layoff shall be offered any vacant positions for the same title held by that employee within the same agency and county from which the employee is subject to layoff and within two additional alternate counties designated by the employee. In the event the employee's facility or office is closing, the employee may designate one additional alternate county, for a total of four counties. In no event shall the vacancies include positions that are subject to collective bargaining, unless those bargaining unit vacancies remain after all contractual obligations have been fulfilled. Temporary, emergency and provisional employees shall not be granted a transfer request pursuant to Section 302.450.

(Source: Added at 33 Ill. Reg. 16560, effective November 13, 2009)

**Section 302.550 Employee Opportunity to Seek Voluntary Reduction or Lateral Transfer**

A certified employee as defined in Section 302.530 who is subject to indeterminate layoff as a result of the Director's approval of a layoff plan shall be promptly notified 30 days prior to the effective date of layoff, and shall then be advised of the opportunity to request voluntary reduction to a current vacant position in accordance with Section 302.500 or lateral transfer to a current vacant position having the same maximum permissible salary or rate in accordance with Section 302.410 or 302.435 within the agency. An employee seeking voluntary reduction must request the voluntary reduction in writing to the head of the employing agency prior to the proposed effective date of layoff.

(Source: Amended at 33 Ill. Reg. 16560, effective November 13, 2009)

**Section 302.560 Order of Preference in Voluntary Reduction or Lateral Transfer**

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- a) **Voluntary Reduction**  
In the event a certified employee as defined in Section 302.530 requests voluntary reduction as a result of his/her pending indeterminate layoff, the certified employee shall be preferred for any current vacant position in a lower class within the same agency and location in which the employee is then incumbent at the time of the layoff over any probationary or provisional employee, any employee or applicant on an eligible list for the vacant position, any certified employee subject to layoff having lesser continuous service and any certified employee requesting a reduction who is not subject to layoff.
- b) **Lateral Transfer**  
In the event a certified employee requests a lateral transfer as a result of his/her pending indeterminate layoff, the certified employee shall be preferred for any current vacant position whose classification has the same maximum permissible salary or rate within the same agency over any probationary or provisional employee, any employee or applicant on an eligible list for the vacant position, any certified employee subject to layoff having lesser continuous service and any certified employee requesting lateral transfer who is not subject to layoff.

(Source: Amended at 33 Ill. Reg. 16560, effective November 13, 2009)

**Section 302.570 Reemployment Lists**

- a) **Employees in Titles Subject to Collective Bargaining**  
The Department shall establish and maintain a reemployment list, by class, option, agency and county or other designated geographical area approved by the Director before layoff. A certified employee who has been indeterminately laid off shall be placed in order of length of continuous service as defined in Section 302.190 on a reemployment list for recall to the first available assignment to a position in the class (or related classes with substantially similar requirements and duties), option, agency, and county or other designated geographical location or area in which the employee was assigned prior to being placed on the reemployment list. When circumstances warrant, at the discretion of the Director, the reemployment list may be established by related classes and options whose duties are substantially similar to the class from which the employee was laid off.
- b) **Employees in Merit Compensation System/Broad-banded Titles**  
In the event no vacancies exist as described in Section 302.545, employees in merit compensation system/broad-banded titles shall be placed on the employing agency's reemployment list for the title and option from which the employee was laid off and any other titles in which the employee was previously certified within the county from which the employee was laid off and within two additional alternate counties designated by the employee. In the event the employee's

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facility or office is closing, the employee may designate one additional alternate county, for a total of four counties. In no event shall the vacancies include positions that are subject to collective bargaining unless those bargaining unit vacancies remain after all contractual obligations have been fulfilled. Laid off employees shall remain on the reemployment list for three years, commencing with the effective date of layoff. Reemployment of merit compensation system/broad-banded employees to positions under term appointments is subject to the provisions of Section 302.825. Reemployment of merit compensation system/broad-banded employees to non-term appointment Senior Public Service Administrator and Public Service Administrator positions will be placed on the appropriate list for the identical classification and option designation for the position from which the employee was laid off. The employee shall be placed, in order of length of continuous service as defined in Section 302.190, on a reemployment list for recall to the first available assignment to a position in the class and option, agency, and county or other designated geographical location or area in which the employee was assigned prior to being placed on the reemployment list.

c) **Qualifications for Reemployment**

An agency will not be required to consider any employee who does not have the necessary qualifications for reemployment to any position, or who was not at the same or higher organizational level as the position being filled. If an agency makes such a determination, this must be documented and submitted to the Department of Central Management Services.

d) **Reinstatement**

An employee whose name has been placed on the reemployment list will also be eligible for reinstatement in accordance with Section 302.610.

(Source: Amended at 33 Ill. Reg. 16560, effective November 13, 2009)

### **Section 302.580 Employment From Reemployment List**

Whenever there is any person available on a reemployment list for recall to a vacant position for the same class, or related classes where such have been established pursuant to Section 302.570, agency and county or other designated geographical area, no temporary, provisional or probationary appointments shall be made to such vacancy.

### **Section 302.590 Removal of Names From Reemployment List**

a) A laid off employee's name shall be removed from the reemployment list when:

1) The employee is recalled from layoff;



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- 2) The employee refuses an offer of permanent reemployment;
  - 3) The employee's name has remained on the reemployment list for 36 months;
  - 4) The employee has been reinstated in accordance with Section 302.610.
- b) Offers of temporary, exempt or emergency appointment shall not be considered as recall or reinstatement.

(Source: Amended at 33 Ill. Reg. 16560, effective November 13, 2009)

**Section 302.595 Laid Off Probationary Employee**

- a) The name of a probationary employee who is terminated as a result of indeterminate layoff before the completion of the probationary period shall be returned to the eligible list with the same grade as when appointed.
- b) An employee serving a probationary period but otherwise certified as defined in Section 302.530 who is to be indeterminately laid off shall be given notice, and may request a voluntary reduction pursuant to Section 302.500 and 302.550. If no voluntary reduction is effected, the employee will be laid off and the employee's name placed in seniority order as provided in Section 302.190 on the reemployment list for the agency, work locality and title in which last certified.

(Source: Amended at 7 Ill. Reg. 654, effective January 5, 1983)

**Section 302.596 Appeal by Employee**

Within 15 calendar days following the effective date of such layoff and without prejudice to the right to request voluntary reduction, an employee may make written appeal to the Civil Service Commission contesting such layoff.

(Source: Amended at 6 Ill. Reg. 5559, effective May 1, 1982)

**Section 302.597 Reinstatement from Layoff**

- a) An employee reinstated for the period for which he/she was improperly laid off shall receive full compensation for such period.
- b) Full compensation shall mean compensation such laid off employee would have earned in the position classification during the period of layoff less amounts

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earned by the employee from any other source including any unemployment payments received during such period.

(Source: Amended at 4 Ill. Reg. 11, p. 67, effective March 1, 1980)

**Section 302.600 Resignation**

An employee who voluntarily leaves the State service shall, except in emergency circumstances approved by the agency head, give advance notice of intent not less than 15 calendar days before its effective date. Once an employee submits a resignation which is accepted by the agency head, the resignation shall not be revoked unless the revocation is requested by the employee and the revocation is approved by the agency head. Resignation in good standing shall mean that the employee gave the required notice, or that emergency circumstances justified failure to do so, and that the employee's conduct and work performance were satisfactory at the effective date thereof.

(Source: Amended at 15 Ill. Reg. 17974, effective November 27, 1991)

**Section 302.610 Reinstatement**

- a) On request of an operating agency, the Director may reinstate a former certified employee who resigned or terminated in good standing or whose position was reallocated downward or who was laterally transferred or whose name was placed on a reemployment list. Such reinstatement may be to a position in the class to which the employee was assigned prior to resignation, termination, downward allocation, lateral transfer or layoff or to a position in any other position class for which the employee is qualified. The Director may reinstate an employee who was formerly certified under the Secretary of State Merit Employment Code, the University Civil Service System of Illinois, Comptroller Merit Employment Code or the State Treasurer Employment Code. An employee reinstated prior to January 1, 1999 shall serve an additional six month probationary period in the position. An employee reinstated on or after January 1, 1999 shall serve an additional four month probationary period in the position. Request for reinstatement shall be accompanied by the employee's performance records when available.
- b) A certified employee whose name appears on a reemployment list may be reinstated to a position other than the position to which the employee is eligible for reemployment. If reinstated to a position in the same or a higher pay grade than that for which the employee is eligible for reemployment, then, upon satisfactory completion of the new probationary period, the employee's name shall be removed from the reemployment list. If reinstated to a position in a lower pay grade than that for which the employee is eligible for reemployment, it shall have

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no effect on the employee's reemployment rights.

(Source: Amended at 22 Ill. Reg. 14735, effective August 3, 1998)

## SUBPART K: DISCHARGE AND DISCIPLINE

**Section 302.625 Definition of Certified Employee**

For purpose of rules respecting discipline and discharge, "certified employee" shall mean any employee currently employed in a position subject to jurisdiction B who has satisfactorily completed a required period of probation and attained certified status in any position during the employee's most recent period of continuous State service.

(Source: Amended at 13 Ill. Reg. 12970, effective July 31, 1989)

**Section 302.626 Progressive Corrective Discipline**

Unless grounds clearly are present warranting immediate discharge or suspension pending decision on discharge, employees shall be subject to corrective discipline progressively utilizing counseling, warnings, and/or suspension, as the facts and circumstances dictate, prior to discharge. If an employee's work or work-related conduct remains unacceptable after the application of progressive corrective discipline, such employee may be discharged in accordance with the appropriate rules.

**Section 302.628 Prohibited Disciplinary Action**

No disciplinary action shall be taken against any employee for the disclosure of any alleged prohibited activity under investigation as provided in 80 Ill. Adm. 304.55.

(Source: Amended at 6 Ill. Reg. 10663, effective August 25, 1982)

**Section 302.630 Disciplinary Action Warning Notice**

The agency head or his/her designee may warn an employee either orally or in writing as a disciplinary measure. A copy of any written notice shall be submitted to the Department and shall become part of the employee's personnel records. The notice shall bear the signature of the issuing official.

**Section 302.640 Suspension Totaling Not More Than Thirty Days in any Twelve Month Period**

Disciplinary suspension without pay totaling not more than 30 days in any 12 month period may be imposed upon an employee by an agency head or designee. Unless delay in the imposition of

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discipline will result in clear harm or damage to an agency, the employee shall be informed in writing of the proposed suspension and the reasons therefor at least 6 working days prior to the effective date of the proposed suspension and be provided with copies of pertinent documents on which the proposed suspension is based. The employee shall have 5 working days after being informed of the proposed suspension within which to address to the agency head or designee written rebuttal to the reasons given for the suspension. A decision of an agency head or designee not to suspend the employee shall be rendered in writing before the proposed suspension date. Written notice of any suspension imposed with the reasons therefor must be served upon the employee on a form prescribed by the Director on or before the effective date of the suspension in person or by certified mail, return receipt requested, at the employee's last address appearing in the personnel file. Notice of such suspension imposed must also be filed immediately with the Director.

(Source: Amended at 10 Ill. Reg. 13940, effective September 1, 1986)

**Section 302.660 Suspension Totaling More than Thirty Days in any Twelve Month Period**

The agency head or a designee may, after complying with the procedures set forth in this Part, initiate a disciplinary suspension of any employee totaling more than 30 days in any 12 month period and if such employee is certified, the agency shall file written charges for such suspension with the Director in the form and manner prescribed. Such written charges shall be signed by the head of the operating agency or designee, and shall contain a clear and concise statement of facts showing good cause for such suspension. The charges shall be accompanied by a copy of the employee's performance records. Unless delay in the imposition of discipline will result in clear harm or damage to an agency, the employee shall be informed in writing of the proposed suspension and the reasons therefor at least 6 working days prior to the effective date of the proposed suspension and be provided with copies of pertinent documents on which the proposed suspension is based. The employee shall have 5 working days after being informed of the proposed suspension within which to address to the agency head or designee written rebuttal to the reasons given for the suspension. A decision of an agency head or designee not to suspend the employee shall be rendered in writing before the proposed suspension date.

(Source: Amended at 10 Ill. Reg. 13940, effective September 1, 1986)

**Section 302.670 Approval of Director of Central Management Services**

No disciplinary suspension totaling more than 30 days in any 12 month period for a certified employee shall be effective without the approval of the Director.

**Section 302.680 Notice to Employee**

Notice of approved charges for a disciplinary suspension totaling more than 30 days in any 12 month period shall be served on a certified employee by the Director, in person or by certified

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mail, return receipt requested, at the employee's last address appearing in the personnel file.

**Section 302.690 Employee Obligations**

Upon receipt by the employee of any disciplinary suspension or charges for discharge, the employee shall leave the place of employment and if deemed appropriate by the agency, any housing or other accommodations furnished the employee by the State.

**Section 302.700 Cause for Discharge**

Cause for discharge consists of some substantial shortcoming which renders the continuance of an employee in a State position in some way detrimental to the discipline and/or efficiency of the service and which the law or sound public opinion recognizes as good cause for the employee no longer being held in that position.

(Source: Added at 10 Ill. Reg. 13940, effective September 1, 1986)

**Section 302.705 Pre-Termination Hearing**

Before an agency shall suspend any certified employee pending decision on discharge or bring charges for discharge against any certified employee, that agency shall apprise the employee of the basis for such action and provide the employee an opportunity to respond to the charges in accordance with the following standards:

- a) The agency will notify the employee in writing of the intended discharge or suspension pending discharge.
- b) A statement of charges in support of the proposed action, full and complete to the knowledge of the agency at the time it is drawn, will be given to the employee, including the name of any known witness and a copy of any document pertinent to the charges.
- c) The employee shall have 5 scheduled working days after receipt of the charges and prior to the effective date of the suspension or discharge in which to respond to them orally or in writing.
- d) The employee is entitled to representation in any meeting either through the collective bargaining representative or in the absence of such representation by any person or organization.
- e) The employee shall remain in paid status pending the response but not necessarily permitted to work.

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- f) The employee or the employee's representative shall be permitted access to a designated area or a secure area of the work place to investigate the charges and, upon request, be provided a copy of other pertinent documents.
- g) The failure of the employee to respond to the charges within the time limits shall not bar the agency from proceeding with discharge.
- h) When the investigation of the charges causes them to be altered in fact, form, context, or reference from those given the employee at the time the notice of suspension pending discharge was issued and for which the employee has not had an opportunity to respond, a second notice and opportunity for response will be given to the employee.
- i) The agency head or a designee shall receive the response of the employee, whether it is oral or written.

(Source: Added at 10 Ill. Reg. 13940, effective September 1, 1986)

**Section 302.710 Suspension Pending Decision on Discharge**

An operating agency may suspend after compliance with Section 302.705 any employee for up to 30 days pending the decision of the operating agency whether charges for discharge shall be filed against such employee. Notice of such suspension must also be filed immediately with the Director. The agency shall thereafter promptly investigate the facts and circumstances and render its decision. Should the agency determine that the facts and circumstances do not warrant disciplinary suspension or charges for discharge, the employee shall be made whole. Should the agency determine that a disciplinary suspension is appropriate, Section 302.640 or 302.660, as the case may be, shall apply in its entirety in lieu of all or part of the period of suspension served. Should the agency determine that discharge of the employee is appropriate, Section 302.720 shall apply in its entirety.

(Source: Amended at 10 Ill. Reg. 13940, effective September 1, 1986)

**Section 302.720 Discharge of Certified Employee**

The agency head or his/her designee may after compliance with Section 302.705 initiate discharge of a certified employee by filing written charges for discharge with the Director in the form and manner prescribed by the Director. Written charges shall be signed by the head of the agency, and shall contain a clear and concise statement of facts showing good cause for discharge, and shall be accompanied by a copy of the employee's performance records. No discharge of a certified employee shall be effective without the approval of the written charges for discharge by the Director.

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(Source: Amended at 10 Ill. Reg. 13940, effective September 1, 1986)

**Section 302.730 Notice to Employee**

Notice of approved charges for discharge shall be served on the employee by the Director, in person or by certified mail, return receipt requested, at the employee's last address appearing in the personnel file.

**Section 302.750 Appeal by Employee**

A certified employee who has been served with approved charges for suspension in excess of 30 days or discharge may appeal to the Civil Service Commission, provided such appeal is made in writing within 15 days of receipt of such approved charges.

**Section 302.780 Discharge of Probationary Employees**

The Director may approve the discharge or suspension of a probationary employee at the request of an agency. In determining whether or not to approve the discharge of such employee, the Director shall consider the employee's performance records.

**Section 302.781 Reinstatement from Suspension or Discharge**

An employee reinstated for the period for which he/she was suspended or discharged shall receive full compensation for such period. Full compensation shall mean compensation such suspended or discharged employee would have earned in the position classification during the period of suspension or discharge less amounts earned by the employee from any other source and unemployment compensation payments received during such period.

**Section 302.785 Suspension Resulting From Arrest or Criminal Indictment/Suspension Pending Judicial Verdict**

- a) The arrest or criminal indictment of any employee may be grounds for suspension if the arrest or indictment and facts in support of either made known to the Director:
  - 1) resulted from an employee's conduct in the course of employment duties, including a failure to perform such duties, or
  - 2) occurred on or proximate to State premises and as a result of the employee's conduct thereon, or
  - 3) raises reasonable doubt concerning the employee's suitability for continued State employment in the present assignment or position.

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- b) The Director shall under the circumstances set forth above, at the request of an agency, suspend an employee, without pay, pending a final court determination of innocence or guilt.
- c) The following shall control the suspension pending judicial verdict:
  - 1) An affected employee may be in jail, free on bond or in some other similar status at the time the suspension is imposed.
  - 2) The arrest or indictment of an employee shall be for State or Federal criminal or civil charges, or charges brought in a foreign country, which raise reasonable doubt concerning the employee's suitability for continued employment in the current position. Traffic violations are not sufficient cause for suspension except where the employee temporarily loses driving privileges if the license is a requirement for work as contained in the job description or position classification specification.
  - 3) Any proposed Suspension Pending Judicial Verdict requires approval by the Agency head or designee and will include a complete and detailed statement of the reason(s) for the suspension and a copy of any official document, such as charges, indictment or arrest record, which supports the suspension.
  - 4) Such suspension shall have no designated expiration date, depending on the length of the initial judicial process. The suspension ends with the return of the employee to work, discharge or termination of employment. The Director shall notify the agency of the status of the suspension 12 months after the suspension is granted and each 12 months thereafter for the agency to determine the continuing validity of the suspension. This suspension will not be continued while the employee appeals an initial guilty verdict through higher courts.
  - 5) A suspension pending judicial verdict will be submitted to the Director for approval and service. An approved Suspension Pending Judicial Verdict will be served on the employee in person or by certified mail, return receipt requested, to the employee's latest address of record. It will be the responsibility of the employee to notify the agency of any change of address.
  - 6) Upon a finding of not guilty or the dismissal of the charges for any reason the employee, upon application, will be restored to the same or similar position classification in the agency and work location held at the time the



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suspension was issued. A similar position classification shall include:

- A) the same position classification with different duties;
  - B) a successor position classification; or
  - C) a different position classification having related requirements and duties and the same salary or wage assignment.
- 7) The employee may or may not be entitled to back pay depending upon the circumstances surrounding a finding of not guilty or a dismissal of the charges. The Director shall make a final determination with respect to whether back pay shall be granted.

(Source: Amended at 19 Ill. Reg. 8145, effective June 7, 1995)

**Section 302.790 Prohibition of Discrimination**

- a) Discrimination against any person in recruitment, examination, appointment, training, promotion, retention, or any other personnel transaction, because of religion, race, national origin, sex, age, handicap or any other non-merit factor is prohibited except where such may be a bona fide job qualification.
- b) Any applicant or employee who feels adversely affected in employment because of such discrimination shall have resort to the grievance procedure hereunder and may be joined in such procedure by the Affirmative Action Director or designee where necessary or appropriate.

(Source: Amended at 5 Ill. Reg. 8029, effective August 1, 1981)

**Section 302.795 Administrative Leave**

- a) With the approval of the Director of Central Management Services, an agency head may relieve an employee from duty when extraordinary circumstances and the best interest of the agency and the State of Illinois will be served in doing so.
- b) Circumstances warranting this leave must be of an extraordinary nature and are limited to those situations where no alternative means, such as suspension or temporary reassignment of an employee, will adequately protect the best interest of the agency and the State of Illinois.
- c) Duration of an administrative leave shall be no longer than necessary to protect the best interest of the agency and the State of Illinois. The leave shall initially be

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for no longer than 60 calendar days, but may be extended for additional periods of time, not to exceed 60 days each, so long as necessary to protect the best interest of the agency and the State of Illinois.

- d) Administrative leave shall not be used as an alternative to Suspension Pending Decision on Discharge or Suspension Pending Judicial Verdict pursuant to Section 302.710 and Section 302.785 of this Part.
- e) Administrative leave shall not be allowed in lieu of vacation, sick leave, personal business leave or any other type of paid or unpaid leave when the other leave is appropriate, nor shall administrative leave be used to circumvent rules governing limits on other leaves available to an employee.
- f) The agency will immediately provide the affected employee written notice of the administrative leave, and the agency will also immediately report any administrative leave to the Department of Central Management Services.

(Source: Added at 29 Ill. Reg. 11800, effective July 14, 2005)

## SUBPART L: TERM APPOINTMENTS

**Section 302.800 Definition of Terms**

"Employee" shall refer to any employee on the payroll as well as any employee on a leave of absence granted pursuant to 80 Ill. Adm. Code 302 and 80 Ill. Adm. Code 303 or whose name appears on a list maintained pursuant to Section 302.570.

"Jurisdictions A, B, and C" shall mean Jurisdictions A, B, and C as specified in Sections 8a, 8b, and 8c of the Personnel Code (Ill. Rev. Stat. 1987, ch. 127, pars. 63b108a, 63b108b, and 63b108c).

"Major administrative responsibilities" shall refer to a position under the Personnel Code:

that requires the incumbent to direct programs defined by statute, or agency, board or commission policy or,  
that is responsible for the execution of policies or operating objectives in one or more operating units within an agency, board or commission, or which participates in the integrating of plans and projections of related organizational units and the scheduling of projected work programs of the agency, board or commission, and

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that encompasses on a regular basis questions of allocation and determination of resources, program definition, interpretation and implementation, and accountability.

"Merit Compensation Grade 12" shall refer to any position in state service covered by 80 Ill. Adm. Code 310. Subpart E, of the State of Illinois, Department of Central Management Services Pay Plan, the Merit Compensation System, with a salary range of 12 or above.

"Negotiated rates" shall refer to those positions in State service described within Subpart B, Section 310.220 and appendices of the State of Illinois, Department of Central Management Services Pay Plan (80 Ill. Adm. Code 310).

"Or equivalent" shall refer to non-merit compensation pay grades or rates which fall within the salary range included within Merit Compensation Grade 12 and above.

"Policy-making" position shall mean a position under the Personnel Code directly responsible to a board, agency, commission or departmental director or assistant director, and

requiring participation in the determination of policy which fixes objectives or states the principles to control action toward operating objectives, or toward the conduct of one or more administrative units next below the director or assistant director level, or participates in the planning and programming of activities within the agency mandated by legislation or by the director or assistant director of the department, board or commission.

"Prevailing rates" shall refer to those positions in State service described within 80 Ill. Adm. Code 310.210 of the State of Illinois, Department of Central Management Services Pay Plan.

"Professional position" shall mean a position which requires specialized, theoretical, or technical knowledge which is usually acquired through college training or through work experience and other training which provides comparable knowledge.

"Term Appointment" shall mean an appointment to a state position made under Section 8b19 of the Personnel Code (Ill. Rev. Stat. 1987, par. 63b108b19).

(Source: Section repealed, new Section adopted at 13 Ill. Reg. 3722, effective March 13, 1989)

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**Section 302.810 Positions Subject to Term Appointments**

All positions not subject to Sections 4d(1), (2), (3) and (6) of the Personnel Code (Ill. Rev. Stat. 1987, pars. 63b104d(1), (2), (3) and (6)) on or above merit compensation grade 12 or its equivalent shall be subject to Term Appointments; except that all positions the duties and responsibilities of which are wholly professional but do not include policy-making or major administrative responsibilities and those positions which have either salaries at negotiated rates or salaries at prevailing rates shall be exempt from the provisions of the Term Appointment.

(Source: Section repealed, new Section adopted at 13 Ill. Reg. 3722, effective March 13, 1989)

**Section 302.820 Appointment**

- a) An appointee to a position subject to Term Appointment for which the individual is qualified and which position is determined by the Director of Central Management Services to be exempt from the requirements of the United States Supreme Court decision in *Rutan, et al. v. Republican Party of Illinois, et al.*, 497 U.S. 62 (1990), shall be selected by the Director or Chairman of the Department, Board or Commission in which the position is located. An appointee to all other positions subject to Term Appointment shall be selected by the Director or Chairman of the Department, Board or Commission in which the position is located from the appropriate open competitive or competitive promotional eligible list. Such appointments shall be made for a four year term commencing on the date of the appointment.
- b) All appointments to and renewals in term positions made before the effective date of P.A. 85-1152, effective July 29, 1988, amending the Personnel Code are ratified and confirmed.

(Source: Amended at 26 Ill. Reg. 15285, effective October 15, 2002)

**Section 302.821 Effect of Loss of Federal Funding on Employees Excluded from Term Appointment by Reason of Being Federally Funded (Repealed)**

(Source: Repealed at 10 Ill. Reg. 13940, effective September 1, 1986)

**Section 302.822 Appointees Under Term Appointments**

Appointees under Term Appointments shall be subject to Jurisdictions A, B, and C of Personnel Code with all rights and obligations thereunder during the term of their appointment. Appointees shall be subject to the provisions of the Personnel Rules during the term of their appointment,

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including Sections 302.410 and 302.420. An intra-agency or inter-agency transfer may be to a term position and shall not operate to extend the incumbent's term or to terminate the appointment prior to expiration of the incumbent's term.

(Source: Amended at 16 Ill. Reg. 13489, effective August 19, 1992)

**Section 302.823 No Promotion to Positions Covered by Term Appointments (Repealed)**

(Source: Repealed at 10 Ill. Reg. 13940, effective September 1, 1986)

**Section 302.824 No Reallocation to Term Positions**

- a) Any position which is reallocated, reclassified, or reevaluated to become subject to Term Appointments shall be declared vacant by the Director of the Department of Central Management Services who shall so advise the Director or Chairman of the Department, Board or Commission and notify the incumbent. The incumbent may directly petition the Director of Central Management Services for reconsideration of the decision pursuant to Section 302.850.
- b) The incumbent in the position selected shall be allowed to apply for the vacant position. The Director or Chairperson of the Department, Board or Commission in which such position is located within 30 days of the decision by the Director that the position is subject to Section 302.810 shall notify the Director and the incumbent employee in writing of the decision whether to appoint the employee to a Term Appointment in that position. If not selected, the individual shall be given a vacant position in the same agency in the same class as the position previously held, or be allowed a voluntary reduction, pursuant to Section 302.500. The provisions of 80 Ill. Adm. Code 301.20 and 301.30 shall apply.

(Source: Section repealed, new Section adopted at 13 Ill. Reg. 3722, effective March 13, 1989)

**Section 302.825 Reemployment Rights to Term Appointment**

No employee with reemployment rights granted under Section 302.570 shall be recalled to a position under Term Appointment, unless the employee has previously been appointed to a four year term. Said reemployment rights shall be limited to the term appointment position held at time of layoff except that an employee laid off from a Senior Public Service Administrator position may also be eligible for reemployment to other related positions in the Senior Public Service Administrator classification pursuant to Section 302.570(b).

(Source: Amended at 18 Ill. Reg. 1892, effective January 25, 1994)

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**Section 302.830 Expiration of Term Appointment**

- a) A "Term Appointment" shall automatically terminate at the end of the fourth year after the date of the initial appointment unless the Term Appointment is renewed for another four year term by the Director or Chairman of the Department, Board or Commission.
- b) The term of any person appointed to or renewed in a term position before the effective date of P.A. 85-1152 amending the Personnel Code shall expire 4 years after the effective date of the appointment or renewal.
- c) Failure to renew a Term Appointment is not grievable or appealable to the Civil Service Commission.

(Source: Section repealed, new Section adopted at 13 Ill. Reg. 3722, effective March 13, 1989)

**Section 302.840 Renewal Procedures**

- a) At least sixty (60) days prior to the termination of a Term Appointment the Director shall notify the Director or Chairman of the Department, Board or Commission and the employee, that the incumbent's term automatically expires on the last calendar day preceding the fourth anniversary of the appointment date unless the Director or Chairman renews the "Term Appointment". The Director or Chairman will notify the employee, in writing, prior to the expiration of the term of the intention to renew or not to renew the appointment. A copy of said letter shall be sent to the Director of Central Management Services.
- b) The Director or Chairman shall advise the Director of Central Management Services in writing, whether the employee's term has been renewed or allowed to expire automatically. Failure to notify the Director of Central Management Services prior to the expiration of the appointment shall be deemed termination by the employing Director or Chairman.

(Source: Amended at 18 Ill. Reg. 1892, effective January 25, 1994)

**Section 302.841 Renewal Procedures for Incumbents on the Effective Date of Section 8b18 of the Personnel Code (Repealed)**

(Source: Repealed at 13 Ill. Reg. 3722, effective March 13, 1989)

**Section 302.842 Effective Date of Reappointment or Termination (Repealed)**

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(Source: Repealed at 13 Ill. Reg. 3722, effective March 13, 1989)

**Section 302.846 Change in Position Factors Affecting Term Appointment Exclusion**

- a) Any position excluded from Term Appointment whose status, salary, pay plan assignment or source of funding is changed to cause the position to be subject to Term Appointment under Section 302.810 shall become immediately so subject. The Director of Central Management Services shall so advise the Director or Chairman of the Department, Board or Commission and notify the incumbent. The incumbent may directly petition the Director of Central Management Services for reconsideration of the decision pursuant to Section 302.850.
  - 1) The incumbent in the position selected shall be allowed to apply for the position. The Director or Chairperson of the Department, Board or Commission in which such position is located within 30 days of the decision by the Director that the position is subject to Section 302.810 shall notify the Director and the incumbent employee in writing of the decision whether to appoint the employee to a Term Appointment in that position.
  - 2) If the Director or Chairperson of the Department, Board or Commission in which the position is located fails to notify the Director within 30 days, the Department will prepare documents necessary to terminate the incumbent, effective 60 days following the effective date the position becomes subject to term appointment. These documents will be sent to the Director or Chairperson of the Department, Board or Commission who must either sign the appropriate documents confirming the decision to terminate the incumbent or return the documents unsigned and notify the Department that the decision is to appoint the incumbent to the term position.
  - 3) In no case may such a position be filled by other than the provisions for Term Appointment for more than 60 days following the effective date the position becomes subject to Term Appointment.
- b) Any position may be excluded from Term Appointment under Section 302.810 due to changes in: status, salary, pay plan assignment or source of funding as reported to the General Assembly. The exclusion shall become effective upon the date of the change and any incumbent shall be continued in the position under Jurisdiction A, B or C of the Personnel Code as appropriate.

(Source: Section repealed, new Section adopted at 13 Ill. Reg. 3722, effective March 13, 1989)

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**Section 302.850 Reconsideration Request**

An employee whose position is deemed subject or deemed not subject to Term Appointment under Section 302.810 will be notified of such decision by the Director of Central Management Services. Within five (5) working days of receipt of the notice of inclusion under or exclusion from the provisions for Term Appointment by the Director of Central Management Services under Section 302.810, such employee may directly petition the Director in writing for reconsideration of such decision. In the event a request for reconsideration is made, the Director shall designate a review officer to review and investigate the application of this Part in the decision. The review officer shall submit findings to the Director for final determination. In any discussion or meeting chaired by the review officer, the employee shall be entitled to be present and may be accompanied or represented by any person. Notice of the final decision of the Director shall be served on the employee in person or by certified mail, return-receipt requested, to the employee's last address appearing in the personnel file within 15 calendar days of receipt of the employee's request for reconsideration. Failure by the Director to act within this period of time shall be deemed a denial of the request.

(Source: Section repealed, new Section adopted at 13 Ill. Reg. 3722, effective March 13, 1989)

**Section 302.860 Renewal Procedure for Incumbents Subject to Public Act 83-1369**

Any incumbent who has received an appointment or renewal and is holding probationary or certified status in a position in or above merit compensation grade 12 or its equivalent while such position is subject to Section 4d(1), (2), (3) or (6) of the Personnel Code shall be subject to review and appointment when his or her term expires. During the term of such appointment, Jurisdiction A, B and C shall apply to such incumbent.

(Source: Section repealed, new Section adopted at 13 Ill. Reg. 3722, effective March 13, 1989)

**Section 302.863 Renewal of Certified or Probationary Incumbents in Exempted Positions**

Any employee holding a term appointment pursuant to this Subpart L whose position is declared exempt from Jurisdiction B of the Personnel Code by the Illinois Civil Service Commission as provided in Section 4d(3) of the Personnel Code shall be continued in that position with probationary status in accordance with Section 302.150(e) or with certified status in accordance with Section 302.150(f) and such term appointment shall be subject to renewal in accordance with Section 302.840.

(Source: Section repealed, new Section adopted at 13 Ill. Reg. 3722, effective March 13, 1989)



## SUBTITLE B

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND  
POSITION CLASSIFICATIONS

## CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 303  
CONDITIONS OF EMPLOYMENT

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## SUBPART F: TUITION REIMBURSEMENT

Section	
303.390	Tuition Reimbursement

AUTHORITY: Implementing and authorized by the Personnel Code [20 ILCS 415] and the Organ Donor Leave Act [5 ILCS 327].

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SOURCE: Filed May 29, 1975; amended at 3 Ill. Reg. 22, p. 78, effective June 1, 1979; amended at 3 Ill. Reg. 26, p. 199, effective July 1, 1979; emergency amendment at 3 Ill. Reg. 48, p. 188, effective January 1, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 11, p. 70, effective March 1, 1980; amended at 4 Ill. Reg. 15, p. 216, effective March 31, 1980; amended at 4 Ill. Reg. 22, p. 227, effective June 1, 1980; amended at 5 Ill. Reg. 8029, effective August 1, 1981; codified at 7 Ill. Reg. 13209; emergency amendment at 8 Ill. Reg. 329, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7788, effective May 23, 1984; amended at 14 Ill. Reg. 3433, effective February 27, 1990; emergency amendment at 15 Ill. Reg. 5076, effective March 20, 1991, for a maximum of 150 days; emergency expired August 17, 1991; amended at 15 Ill. Reg. 5214, effective April 2, 1991; amended at 15 Ill. Reg. 14067, effective September 12, 1991; amended at 16 Ill. Reg. 8368, effective May 21, 1992; amended at 17 Ill. Reg. 5587, effective March 29, 1993; amended at 19 Ill. Reg. 8130, effective June 7, 1995; amended at 19 Ill. Reg. 11775, effective August 7, 1995; emergency amendment at 21 Ill. Reg. 11291, effective July 22, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 15454, effective November 24, 1997; amended at 23 Ill. Reg. 13815, effective November 4, 1999; emergency amendment at 24 Ill. Reg. 16694, effective October 27, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 4847, effective March 19, 2001; emergency amendment at 25 Ill. Reg. 12429, effective September 14, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1138, effective January 18, 2002; amended at 27 Ill. Reg. 9008, effective May 23, 2003; emergency amendment at 28 Ill. Reg. 9677, effective July 1, 2004, for a maximum of 150 days; emergency expired November 27, 2004; emergency amendment at 28 Ill. Reg. 13795, effective October 1, 2004, for a maximum of 150 days; emergency expired February 27, 2005; amended at 28 Ill. Reg. 16308, effective December 3, 2004; amended at 30 Ill. Reg. 329, effective December 30, 2005; amended at 30 Ill. Reg. 13857, effective August 2, 2006; emergency amendment at 32 Ill. Reg. 19944, effective December 9, 2008, for a maximum of 150 days; amended at 33 Ill. Reg. 6503, effective April 23, 2009; emergency amendment at 33 Ill. Reg. 12032, effective August 7, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 16801, effective November 24, 2009; emergency amendment at 34 Ill. Reg. 12985, effective August 20, 2010, for a maximum of 150 days; amended at 35 Ill. Reg. 1587, effective January 14, 2011.

## SUBPART A: GRIEVANCE PROCEDURE

**Section 303.10 Definition of a Grievance**

- a) A grievance is any question between an employee and his/her employing agency, or applicant as covered in 80 Ill. Adm. Code 302.790, concerning the meaning, interpretation or application of this Part, or the Personnel Code or any issue concerning them or conditions of state employment which directly affect the grievant in the performance of his/her official duties.
- b) Probationary terminations, charges seeking discharge, demotion or suspension totaling more than 30 days in any 12-month period of certified employees,

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appeals of allocation of duties or transfers from one geographical area in the State to another are not subject to grievance procedure.

- c) An employee shall be allowed reasonable time with pay during working hours for the presentation of a grievance, provided the employee has obtained permission from his/her immediate supervisor therefore and the employee's absence will not interfere with agency operations.

**Section 303.20 Procedure**

- a) Grievances shall be submitted in accordance with the following procedure unless the Director permits an agency to vary the number or content of the steps therein prescribed upon the written request of the operating head of an agency and for good cause shown therein, except that a grievance arising out of interpretation and/or application of a provision contained within a collective bargaining agreement shall be heard pursuant to the procedures established therein for the respective bargaining unit.
- b) An employee's failure to submit a grievance, or to submit or appeal it to the next level of this procedure within specified time limits therefor, shall mean that the employee has withdrawn the grievance or accepted the last answer given in the grievance procedure if the employee so indicates.
- c) Step 1: A grieving employee shall present the grievance orally to the immediate supervisor explaining its nature and circumstances within 5 scheduled working days after learning of the circumstances or condition which gave rise to it. The immediate supervisor shall answer within 5 scheduled working days of its presentation.
- d) Step 2: If the grievance is not satisfactorily resolved or no answer is given within 5 scheduled working days of its presentation, the employee may, within 10 days of the date the Step 1 answer was due, submit the grievance to the next higher supervisor by reducing the grievance to writing on a form prescribed by the Department for such purpose and presenting it to the next higher supervisor or the person designated to act at this Step. A written answer thereto shall be given within 5 working days of its receipt by such person.
- e) Step 3
  - 1) If the grievance is not satisfactorily resolved or no answer is given within 5 scheduled working days after its written submission at Step 2, the employee may, within 10 working days after the Step 2 answer was due, appeal the grievance to the head of the operating agency by using the same

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or a different form.

- 2) Within 20 working days after the Step 3 appeal is filed, the head of the operating agency shall render a written decision thereon, and shall serve a copy of said written decision upon the grievant. Failure of the agency head to render a written decision and to serve it upon the grieving employee within the specified time shall automatically move the grievance to Step 4.
- f) Step 4: If the grievance is not satisfactorily resolved or no answer is given within the time limit set forth in Step 3, the employee may submit a copy of the written statement of grievance theretofore submitted in Step 3 within 10 working days from the date the decision was due to the Director of Central Management Services for review and final determination.

(Source: Amended at 4 Ill. Reg. 11, p. 70, effective March 1, 1980)

**Section 303.30 Grievance Committee**

- a) The Director shall appoint a grievance committee comprised of two employees of the Department of Central Management Services and one employee of the Civil Service Commission or, if the grievant has a separate proceeding before the Civil Service Commission or if a Civil Service Commission employee is unavailable, an employee from an agency other than the Department of Central Management Services to hear grievances. Committee members must have experience and knowledge in the areas of personnel administration and employee relations. Not more than one committee member shall be appointed from any one bureau and no committee member shall be appointed to hear a grievance arising from the bureau in which the committee member is employed.
- b) In addition to the three committee members appointed pursuant to subsection (a) above, the Director shall appoint an employee of the Department of Central Management Services, Division of Employee and Labor Relations to serve as Secretary-Chairperson of the committee. The Secretary-Chairperson shall assist the committee in its determination, shall be entitled to be heard by the committee, but shall not be entitled to vote on the committee's recommendations. Unless an expedited Step 4 (see Section 303.20 (b)(4)) procedure is agreed to by the parties pursuant to procedures and policies issued by the Director, the members of the grievance committee shall reduce their recommendations as to the disposition of the grievance to writing and submit them to the Director. A dissenting member of the committee may make separate recommendations. All recommendations will bear the signature of the concurring committee members.

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- c) Upon the receipt of recommendations from a grievance committee, the Director shall approve, disapprove or modify the Panel recommendations, shall render a decision thereon in writing, and cause a copy of such decision to be served upon the parties. The Director's decision shall be final.
- d) The written statement of the employee's grievance, the recommendations of the grievance committee, and the decision of the Director, thereon shall be made a part of the permanent record of the grieving employee in the files of the Department.

(Source: Amended at 14 Ill. Reg. 3433, effective February 27, 1990)

**Section 303.45 Representation**

In discussions or meetings with the employer in Steps 2, 3, or 4 of the Grievance Procedure (Section 303.20), the employee shall be entitled to be present and may be accompanied or represented by the exclusive bargaining representative or, if there is no such representative, any other person.

## SUBPART B: LEAVE OF ABSENCE

**Section 303.90 Sick Leave**

- a) All employees, excepting those in emergency, intermittent, per diem or temporary status, unless such status is the result of accepting a non-permanent working assignment in another class, shall accumulate sick leave at the rate of one day for each month's service. Sick leave may be used for illness, disability or injury of the employee, appointments with doctor, dentist or other professional medical practitioner and also may be used in the event of serious illness, disability, injury or death of a member of the employee's immediate family. The operating agency or the Department may require evidence to substantiate that such leave days were used for the purpose herein set forth for periods of absence of ten consecutive workdays, or less. For periods of absence of more than ten consecutive workdays the employee shall provide verification for such absence in accordance with the provisions of Section 303.145. Beginning with calendar year 1995, in the event an employee does not use sick leave in any calendar year, the employee shall be awarded one (1) additional personal day on January 1 of the next calendar year. Beginning with July 1, 1997, a part-time employee who works at least half time shall be awarded pro-rated additional personal leave on January 1 when the employee has not used sick leave during the previous calendar year. A calendar year for purposes of this provision is the period beginning January 1 and ending December 31 of each year. Such additional personal day shall be used in accordance with Section 303.125.

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- b) Sick time may be taken in increments of not less than one-quarter hour after a minimum use of one-half hour any time after it is earned.

(Source: Amended at 33 Ill. Reg. 6503, effective April 23, 2009)

**Section 303.100 Accumulation of Sick Leave**

An employee shall be allowed to carry over from year to year of continuous service unused sick leave allowed under this Subpart and shall retain any unused sick leave or emergency absence leave accumulated prior to December 19, 1961.

(Source: Amended at 8 Ill. Reg. 7788, effective May 23, 1984)

**Section 303.102 Payment in Lieu of Sick Leave**

- a) Upon termination of employment for any reason, or upon indeterminate layoff, an employee or the employee's estate is entitled to be paid for unused sick leave which has accrued on or after January 1, 1984 and prior to January 1, 1998, provided the employee is not employed in another position in state service within 4 calendar days of such termination.
- b) For purposes of this Section, sick leave is deemed to be used by an employee within the following priority order:
  - 1) Sick leave earned through December 31, 1983.
  - 2) Sick leave earned on or after January 1, 1998.
  - 3) Sick leave earned on or after January 1, 1984 and prior to January 1, 1998.

The first earned sick leave shall be the first utilized within each category.

- c) In order to determine the amount of sick leave to be paid upon termination of employment, the operating agency will:
  - 1) compute the number of sick leave days granted to the employee between January 1, 1984 and December 31, 1997;
  - 2) compute the employee's sick leave balance for that time period at time of termination; and
  - 3) cause lump sum payment to be made for one half of the amount of sick

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leave in subsection (c)(1) or (2) above, whichever is the lesser amount, multiplied by the daily salary rate.

- d) The method of computing the hourly or daily salary rate for sick leave qualifying for lump sum payment upon termination of employment shall be in accordance with 80 Ill. Adm. Code 310.520(a).
- e) If an employee has a negative sick leave balance pursuant to Section 303.110 when employment is terminated, no payment shall be made to the employee and the unrecouped balance due is cancelled.
- f) An employee who is reemployed, reinstated or recalled from indeterminate layoff and who received lump sum payment in lieu of unused sick days will have such days restored provided the employee repays upon return to active employment the gross amount paid by the State for the number of days to be so restored to the employee's sick leave account.
- g) The payment provided by this Section shall not be allowed if the purpose of the separation from employment and any subsequent reemployment is for the purpose of obtaining such payment.
- h) The accrued leave amount shall be certified in writing to the employee by the employing agency. This certification may be held by the employee or forwarded to the Retirement System.

(Source: Amended at 21 Ill. Reg. 15454, effective November 24, 1997)

**Section 303.105 Reinstatement of Sick Leave**

On or after the effective date of this Subpart, accumulated sick leave available at the time an employee's continuous state service is interrupted for which no salary payment is made shall upon verification be reinstated to the employee's account upon return to full time or regularly scheduled part-time employment except in temporary or emergency status. This reinstatement is applicable provided such interruption of service occurred not more than five years prior to the date the employee reenters state service and provided such sick leave has not been credited by the appropriate retirement system towards retirement benefits. An employee with previous State service for which sick leave was granted under provisions other than Jurisdiction C of the Personnel Code shall have such amount reinstated to the extent such sick leave is provided under Section 303.90.

(Source: Amended at 8 Ill. Reg. 7788, effective May 23, 1984)

**Section 303.110 Advancement of Sick Leave**



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An employee with more than two years continuous service, whose personnel records warrant it, may be advanced sick leave with pay for not more than 10 working days with the written approval of the operating agency and the Director. Such advances will be charged against sick leave accumulated later in subsequent service.

**Section 303.112 Sick Leave Bank**

- a) This Section contains rules governing the operation of plans allowing participating employees in each Agency to bank portions of their accrued sick leave in a sick leave bank to be used by participating employees in the same agency who have exhausted their accrued vacation time, personal days, sick leave or compensatory time. These rules provide a framework within which each Agency may administer a sick leave bank. Individual Agency procedures should be consistent with the framework set forth in these rules unless alternative procedures have been agreed upon pursuant to collective bargaining negotiations.
- b) Definitions
  - 1) *"Agency" means any branch, department, board, committee or commission of State government, but does not include units of local government, school districts or boards of election commissioners [5 ILCS 400/5.10].*
  - 2) *"Sick leave bank" means a depository into which participating employees may donate accrued sick leave time for allocation to other participating employees [5 ILCS 400/5.15].*
  - 3) *"Participating employee" means a permanent full- or part-time employee who has been employed by a State agency for a period of 6 months or more who voluntarily enrolls in the sick leave bank by depositing at least one full day of accrued sick leave in that bank [5 ILCS 400/5.20]. An employee who wishes to enroll must have a minimum of 5 days of accrued sick time on the books.*
  - 4) *"Catastrophic illness or injury" means temporary disability or incapacity resulting from a life threatening illness or injury or illness or injury of other catastrophic proportion as determined by the Director. Factors considered by the Director shall include the length of time the employee must be absent from work due to illness or injury. Catastrophic illness or injury may be due to, but not limited to, cancer, heart disease, stroke or another serious illness or injury resulting in an employee missing more than 25 work days.*

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- 5) "Personal catastrophic illness or injury" means a catastrophic illness or injury to the employee or, if agreed upon by the Agency Head and the Director, members of the employee's immediate family. Factors to be considered in determining if an employee's immediate family members are covered include the nature and duration of the catastrophic illness or injury; whether the person is financially and emotionally dependent on the employee; whether the presence of the employee is needed; and whether the individuals are covered pursuant to collective bargaining negotiations. Immediate family shall mean spouse, child, parent or any person living in the employee's household for whom the employee has custodial responsibility.
- c) Participation in the sick leave bank is voluntary on the part of any employee. Employees wishing to participate must be permanent full-time or part-time employees with a minimum of 6 months of service.
- d) *A participating employee may deposit into the sick leave bank as much accrued sick leave as desired provided that the participating employee shall retain in his or her own account at least 5 sick days [5 ILCS 400/10(b)].*
- e) Employees may voluntarily enroll at any time. Employees shall wait 60 calendar days after enrollment before utilizing the sick leave bank.
- f) An employee may use up to 25 work days from the sick leave bank per 12-month period, except that participating employees shall not use sick leave accumulated in the sick leave bank until all of their accrued vacation, personal days, sick leave and compensatory time have been used. The Director may approve limits of other than 25 work days per 12-month period. Factors considered in determining if an alternate limit should be approved include:
- 1) the personnel jurisdiction governing the Agency and employees in question;
  - 2) whether limits have been established through collective bargaining negotiations;
  - 3) the desire for uniformity among Agency plans;
  - 4) operational needs of the Agency.
- g) Any sick leave in the sick leave bank used by a participating employee shall be only for the personal catastrophic illness or injury of the employee and may not be

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transferred, returned or used for any other purpose.

- h) Each State agency shall develop procedures, consistent with this Section, for establishing a single sick leave bank for all agency employees.
- i) Injuries and illnesses that are compensable under the Workers' Compensation Act [820 ILCS 305] or Workers' Occupational Disease Act [820 ILCS 310] shall not be eligible for sick leave bank use.
- j) *Participating employees who transfer from one agency to another may transfer their participation in the sick leave bank [5 ILCS 400/10(f)].*
- k) An employee shall not be eligible to withdraw the sick leave time he or she has contributed to the bank.
- l) Decisions affecting a participating employee's use of the sick leave bank may be submitted by the employee to a review committee. Unless otherwise approved by the Department, the committee shall consist of one Agency representative and two Department representatives. In determining if alternative committee membership should be approved, the Department shall consider the jurisdiction governing the Agency or employees in question. Decisions of review committees shall be final and binding.
- m) *Any abuse of the use of the sick leave bank shall be investigated by the agency and the Department and upon a finding of wrongdoing on the part of a participating employee, that employee shall repay all sick leave days drawn from the sick leave bank and shall be subject to other disciplinary action [5 ILCS 400/10(h)].*

(Source: Amended at 33 Ill. Reg. 6503, effective April 23, 2009)

**Section 303.115 Veterans Hospital Leave**

*An employee who is also a veteran shall be permitted 4 days with pay per year to visit a veterans hospital or clinic for examination of a military service-connected disability. The 4 days shall not be charged against any sick leave currently available to the employee [20 ILCS 415/8b.20].*

(Source: Amended at 33 Ill. Reg. 6503, effective April 23, 2009)

**Section 303.120 Furlough Program**

- a) Definition

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- 1) "Employee" includes less than full-time, full-time, intermittent, per diem, temporary, emergency and provisional employees.
  - 2) "Furlough" is a timekeeping status in which an employee is placed for a temporary period of leave without duties or pay because of conditions that require an agency to curtail its operations; a furlough program may be either voluntary or involuntary at the discretion of the agency head. Furlough is a tool to continue State services with minimal disruption and retain valuable employees at reduced cost. The employee's employment status shall not change because of the furlough. Furlough shall not change the employee's continuous or creditable service dates for the purpose of annual evaluations, retirement or longevity, the employee's health or life insurance coverage or the employee's accrual of vacation, sick or personal time. Employees on furlough shall not be at work or on standby or on-call duty and shall not perform State work during furlough time. Furlough shall not be used when permanent or temporary layoff or emergency shut-down is appropriate. Furlough shall not be used as a substitute for permanent part-time employment. Furlough shall not be a means or form of discipline. Employees on paid military leave or other unpaid leave shall not be scheduled for furlough during the leave and shall be scheduled upon return to work if the furlough program remains in effect.
  - 3) "Furlough-Exempt Employee" means a uniform, narrow definition of "furlough-exempt" shall be applied throughout the furlough program by the agency head. Furlough-exempt employees may include employees:
    - A) in 24/7 facilities, to ensure adequate service delivery and staff coverage, and who would have to be replaced at a higher cost than the costs saved through furlough;
    - B) who perform critical functions of the agency, or protect the safety and health of employees, clients or patients of the agency or the public;
    - C) who are paid 100% by federal funds; and
    - D) who are in revenue-generating positions that generate more money than the costs that would be saved by furlough.
- b) Program Approval – An agency head, with prior approval from the Office of the Governor and the Director of Central Management Services, may institute a furlough program. The agency shall provide advanced notification to affected employees as soon as practicable. An agency head shall indicate whether the

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furlough is for the entire agency or a designated division or program, the initial effective date of the program, the number of days that employees shall be on furlough and the end date of the furlough program. Agencies shall track which employees have taken furlough and the cost savings to the State.

- c) Furlough Time – Furlough time shall be scheduled in a manner that is consistent with the operating needs of the agency. Furlough may be taken in full or ½ day increments only and may be nonconsecutive. Employees on schedules with shortened workweeks shall take furlough time on a prorated basis. Sick time, accumulated holiday time, Earned Equivalent Time (EET), and compensatory time shall not be used to remain in pay status while on furlough. Accrued vacation time and accrued personal time may be used by employees subject to a non-bargaining unit furlough program to remain in pay status while on furlough. Taking a furlough day before or after a holiday shall not result in loss of pay for the holiday. Furlough time shall not count toward overtime. Conflicts regarding scheduling furlough time shall be resolved based first on the operational needs of the agency and second by continuous service date. All furlough time shall be pre-approved. Previously charged unpaid time (unexcused absence, unauthorized absence, excused absence or suspension time) shall not be used to meet an employee's furlough obligation. Employees subject to a non-bargaining unit furlough program may elect to take a furlough day on a holiday; however, an agency shall not mandate that an employee take a furlough day on a holiday.
- d) Time Sheets – Furloughs shall be indicated by a daily entry of FD (Furlough Day) on an employee's time sheet. In the event an employee elects to utilize a vacation or personal day in the place of a non-bargaining unit furlough day, the employee's time sheet shall indicate an entry of FV (Furlough, Vacation) or FP (Furlough, Personal).
- e) Furlough Time Value – The value of a furlough day is worth exactly the same amount of money regardless of the number of days in the pay period and is computed by dividing the annualized rate of pay by the total number of days in a work year as filed with the Department of Central Management Services. Regularly recurring items, such as longevity pay, shift differential, bilingual pay, and other premium pay items that are paid each month, are included in determining the regular monthly rate. Agencies shall not use temporary or interim assignment pay to determine the value for employees on temporary or interim assignment. The value of the deducted day will be subtracted from the semi-monthly rate. Employees taking furlough on a day when their scheduled number of work hours varies from the employing agency's normal work schedule on that day are only required to furlough the number of hours in that employing agency's normal schedule. For example, an employee who is scheduled to work 10 hours on a furlough day in an agency with a normal work schedule of 7.5

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hours will furlough 7.5 hours and either work the remaining 2.5 hours or utilize benefit time (vacation, personal, accumulated holiday, EET or compensatory time) for the remaining 2.5 hours that day. The value of such furloughed hours is determined by computing the annualized hourly rate (i.e., annual salary divided by the hours in a regular annual work schedule, 1957.5, for example), multiplying the rate by the number of furlough hours taken and deducting that amount from the annual salary.

(Source: Amended at 35 Ill. Reg. 1587, effective January 14, 2011)

**Section 303.125 Leave for Personal Business**

- a) All employees, excepting those in emergency, per diem or temporary status shall be permitted 3 personal days off each calendar year with pay. Beginning with calendar year 1995, in the event an employee does not use sick leave in any calendar year, the employee shall be awarded 1 additional personal day on January 1 of the next calendar year. Beginning with July 1, 1997, a part-time employee who works at least half-time shall be awarded pro-rated additional personal leave on January 1 when the employee has not used sick leave during the previous calendar year. A calendar year for purposes of this provision is the period beginning January 1 and ending December 31 of each year. Such personal days may be used for such occurrences as observance of religious holidays, Christmas shopping, absence due to severe weather conditions, or for other similar personal reasons, but shall not be used to extend a holiday or annual leave except as permitted in advance by the operating agency through prior written approval. Employees entitled to receive such leave who enter service during the year shall be given credit for such leave at the rate of  $\frac{1}{2}$  day for each 2 months service for the calendar year in which hired. Such personal leave may not be used in increments of less than  $\frac{1}{2}$  hour at a time. Except for those emergency situations which preclude the making of prior arrangements, such days off shall be scheduled sufficiently in advance to be consistent with operating needs of the employer. Supervisors may, however, grant employee requests to use personal leave in increments of  $\frac{1}{4}$  hour, after a minimum use of  $\frac{1}{2}$  hour.
- b) Personal leave shall not accumulate from calendar year to calendar year; nor shall any employee be entitled to payment for unused personal leave upon separation from the service except as provided in Section 8c(2) of the Personnel Code. The accrued leave amount paid under this Section of the Personnel Code shall be certified in writing to the employee by the employing agency. This certification may be held by the employee or forwarded to the Retirement System.
- c) Employees subject to a non-bargaining unit furlough program may substitute accrued personal leave for furlough time in order to remain in paid status.

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Utilization of accrued personal leave for furlough must be in ½ day or full day increments and must be in accordance with furlough program requirements.

(Source: Amended at 35 Ill. Reg. 1587, effective January 14, 2011)

**Section 303.130 Maternity/Paternity and Adoption Leave**

- a) All employees who provide proof of their pregnancy or that of their female partner at least 30 days prior to the expected due date will be eligible for 4 weeks (20 work days) of paid maternity/paternity leave. The State shall require proof of the birth. Maternity and/or paternity leave shall be limited to 1 leave per family for each pregnancy resulting in birth or multiple births. In addition, non-married male employees may be required to provide proof of paternity such as a birth certificate or other appropriate documentation confirming paternity.
- b) All employees are eligible for 4 weeks (20 work days) of paid leave with a new adoption, with the leave to commence when physical custody of the child or children has been granted to the employee, provided that the employee can show that the formal adoption process is underway. The agency personnel office must be notified and the employee must submit proof that the adoption has been initiated. Adoption leave shall be limited to 1 leave per adoption.

(Source: Amended at 33 Ill. Reg. 6503, effective April 23, 2009)

**Section 303.131 Leave in the Event of a Stillborn Child**

All employees who provided proof of their pregnancy or that of their female partner at least 30 days prior to the expected due date will be eligible for 4 weeks (20 work days) of paid leave in the event of a full-term stillborn child. The State shall require proof of a stillbirth, such as a fetal death certificate or certificate of stillbirth. This leave shall be limited to 1 leave per family for each stillbirth. In addition, non-married male employees may be required to provide proof of paternity.

(Source: Added at 33 Ill. Reg. 6503, effective April 23, 2009)

**Section 303.135 On-The-Job Injury – Industrial Disease**

- a) An employee who suffers an on-the-job injury or who contracts a service-connected disease shall be allowed full pay during the first 3 working days of absence without utilization of any accumulated sick leave or other benefits. Thereafter the employee shall be permitted to utilize accumulated sick leave or other benefits unless the employee has applied for and been granted temporary total disability benefits in lieu of salary or wages pursuant to provisions of the

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Workers' Compensation Act [80 ILCS 305] or through the State's self-insurance program.

- b) In the event such service-connected injury or illness becomes the subject of payment of benefits provided in the Workers' Compensation Act by the Industrial Commission, the courts, the State self-insurance program or other appropriate authority, the employee shall restore to the State the dollar equivalent which duplicates payment received as sick leave or other accumulated benefit time, and the employee's benefit accounts shall be credited with leave time equivalents.
- c) Employees whose compensable service connected injury or illness requires appointments with a doctor, dentist, or other professional medical practitioner shall, with supervisor approval, be allowed to go to such appointments without loss of pay and without utilization of sick leave.

(Source: Amended at 28 Ill. Reg. 16308, effective December 3, 2004)

**Section 303.140 Leaves of Absence Without Pay**

- a) Unless otherwise provided in this Subpart, an agency may grant leaves of absence without pay to employees for periods not to exceed 6 months and such leaves may be extended for good cause by the operating agency for additional 6 month periods.
- b) Any employee, except an employee in a position or program financed in whole or in part by loans or grants made by the United States or any Federal agency, who is elected to State office, shall, upon request, be granted a leave of absence for the duration of the elected terms.
- c) No emergency or temporary employee shall be granted leave of absence.

(Source: Amended at 19 Ill. Reg. 8130, effective June 7, 1995)

**Section 303.142 Leave to Attend Union Conventions**

An employee who is a member of a union representing State employees and who has been selected as delegate, or alternate delegate to attend union conventions shall be allowed a leave of absence without pay, subject to the approval of the head of the agency in which employed, to attend said convention.

**Section 303.145 Disability Leave**

- a) An employee who is unable to perform a substantial portion of his/her regularly



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assigned duties due to temporary physical or mental disability shall upon request be granted a leave for the duration of such disability.

- b) In granting such leave or use of sick leave as provided in Section 303.90, the agency shall apply the following standards:
  - 1) A substantial portion of regularly assigned duties shall be those duties or responsibilities normally performed by the employee which constitute a significant portion of the employee's time or which constitute the differentiating factors which identify that particular position from other positions, provided the balance of duties can be reassigned by the agency;
  - 2) A request for disability leave shall be in writing except when the agency is advised by other appropriate means of the employee's disability in which event the employee's signature is not required;
  - 3) Except for service-connected disability as provided in Section 303.135, the employee shall have exhausted available sick leave provided under Section 303.90 prior to being granted a disability leave; an employee may use other accrued paid time for this purpose but is not required to do so;
  - 4) During a disability leave, the disabled employee shall provide written verification by a person licensed under the Medical Practice Act of 1987 [225 ILCS 60] or under similar laws of Illinois or of other states or countries or by an individual authorized by a recognized religious denomination to treat by prayer or spiritual means; such verification shall show the diagnosis, prognosis and expected duration of the disability; such verification shall be made no less often than every 30 days during a period of disability, unless the nature of the disability precludes the need for such frequency of verification;
  - 5) As soon as an employee becomes aware of an impending period of disability, he/she shall notify the appropriate supervisor of such disability and provide a written statement by the attending physician of the approximate date the employee will be unable to perform his/her regularly assigned duties;
  - 6) If the agency has reason to believe that the employee is able or unable to perform a substantial portion of his/her regularly assigned duties, it may seek and rely upon the decision of an impartial physician chosen by agreement of the parties or in the absence of such agreement upon the decision of an impartial physician who is not a State employee and who is selected by the State Employees' Retirement System.

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- c) Failure of an employee to provide verification of continued disability upon reasonable request shall on due notice cause termination of such leave.
- d) An employee's disability leave shall terminate when said employee is no longer temporarily disabled from performing his/her regularly assigned duties.
  - 1) An employee is no longer temporarily disabled when he/she is able to perform his/her regularly assigned duties upon advice of the appropriate authority or, in the absence of such authority, the attending physician.
  - 2) An employee is no longer temporarily disabled when he/she is found to be permanently disabled and unable to perform a substantial or significant portion of his/her regularly assigned duties by the appropriate authority, or in the absence of such authority, by the attending physician.
  - 3) In determining whether to approve a requested discharge of an employee for failure to return from a disability leave or for physical inability to perform the duties of a position, the Director may seek and rely upon the advice of the State Employees Retirement System or other appropriate authority, including an impartial physician selected in accordance with subsection (b)(6) of this Section.
- e) Return from Disability Leave.
  - 1) An employee who returns from a disability leave of 6 months or less shall be returned by the Agency to the same or similar position in the same class in which the employee was incumbent at the time the leave commenced.
  - 2) An employee who returns from a disability leave exceeding 6 months and there is no vacant position available in the same class held by the employee at the commencement of such leave may be laid off in accordance with the Rules on Voluntary Reduction and Layoff, unless such leave resulted from service-connected disability, in which case the employee shall be returned to employment as in subsection (e)(1).
- f) An employee who is on disability leave while in temporary or emergency status, except if such status results from a leave of absence to accept such position, shall be eligible for such leave for the balance of such appointment and shall earn or accrue no other benefit arising from this Subpart.
- g) When the employer has requested a fitness for duty evaluation, pursuant to subsection (b)(6) of this Section, that determines the employee is unfit for duty

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and the employee's physician certifies the employee is fit for duty, the employer may rely upon the decision of the impartial physician as to the employee's fitness for duty. The examination shall be paid for by the employer.

(Source: Amended at 28 Ill. Reg. 16308, effective December 3, 2004)

**Section 303.148 Family Responsibility Leave**

- a) An employee who wishes to be absent from work in order to meet or fulfill responsibilities, as defined in subsection (f), arising from the employee's role in his or her family or as head of the household will normally, upon request and in the absence of another more appropriate form of leave, be granted a Family Responsibility Leave for a period not to exceed one year. Employees shall not be required to use any accumulated benefit time prior to taking Family Responsibility Leave. Such request shall not be unreasonably denied. The agency head will consider whether the need for the family responsibility leave is substantial, whether the action is consistent with the treatment of other similar situations and whether the action is equitable in view of the particular circumstances prompting the request.
- b) Any request for such leave shall be in writing by the employee not less than 15 calendar days in advance of the leave unless such notice is precluded by emergency conditions, stating the purpose of the leave, and the expected duration of absence.
- c) Such leave shall be granted only to a permanent full-time employee, except that an intermittent employee shall be non-scheduled for the duration of the required leave. An employee in temporary, emergency, provisional, or trainee status shall not be granted such leave.
- d) "Family Responsibility" for purposes of this Section is defined as the duty or obligation perceived by the employee to provide care, full-time supervision, custody or non-professional treatment for a member of the employee's immediate family or household *under circumstances temporarily inconsistent with uninterrupted employment in State service.* [20 ILCS 415/8c(5)]
- e) "Family" has the customary and usual definition for this term for purposes of this Section, that is:
  - 1) group of 2 or more individuals living under one roof, having one head of the household and usually, but not always, having a common ancestry, and including the employee's spouse;

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- 2) such natural relation of the employee, even though not living in the same household, as parent, sibling or child; or
  - 3) adoptive, custodial and in-law individuals when residing in the employee's household or any relative or person living in the employee's household for whom the employee has custodial responsibility or where such person is financially and emotionally dependant on the employee and where the presence of the employee is needed, but excluding persons not otherwise related of the same or opposite sex sharing the same living quarters but not meeting any other criteria for family.
- f) Standards for granting a Family Responsibility Leave are:
- 1) to provide nursing (breastfeeding) and/or custodial care for the employee's newborn infant, whether natural born or adopted;
  - 2) to care for a temporarily disabled, incapacitated or bedridden resident of the employee's household or member of the employee's family;
  - 3) to furnish special guidance, care or supervision of a resident of the employee's household or a member of the employee's family in extraordinary need thereof;
  - 4) to respond to the temporary dislocation of the family due to a natural disaster, crime, insurrection, war or other disruptive event;
  - 5) to settle the estate of a deceased member of the employee's family or to act as conservator if so appointed and providing the exercise of such functions precludes the employee from working; or
  - 6) to perform family responsibilities consistent with the intention of this Section but not otherwise specified.
- g) The agency shall require substantiation or verification of the need by the employee for such leave, the substantiation or verification shall be consistent with and appropriate to the reason cited in requesting the leave, such as:
- 1) a written statement by a physician or medical practitioner licensed under the Medical Practice Act of 1987 [225 ILCS 60] or under similar laws of Illinois or of another state or country or by an individual authorized by a recognized religious denomination to treat by prayer or spiritual means, such verification to show the diagnosis, prognosis and expected duration of the disability requiring the employee's presence;

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- 2) written report by a social worker, psychologist, or other appropriate practitioner concerning the need for close supervision or care of a child or other family member;
  - 3) written direction by an appropriate officer of the courts, a probation officer or similar official directing close supervision of a member of the employee's household or family; or
  - 4) an independent verification substantiating that the need for such leave exists.
- h) Such leave shall not be renewed, however a new leave shall be granted at any time for any reason consistent with subsection (f) other than that for which the original leave was granted.
  - i) If an agency has reason to believe that the condition giving rise to the given need for such leave no longer exists during the course of the leave, it should require further substantiation or verification and, if appropriate, direct the employee to return to work on a date certain.
  - j) Failure of an employee upon request by the employing agency to provide such verification or substantiation is cause on due notice for termination of the leave.
  - k) Such leave shall not be used for purpose of securing alternative employment. An employee during such leave may not be gainfully employed full time, otherwise the leave shall terminate.
  - l) Upon expiration of a Family Responsibility Leave, or prior to such expiration by mutual agreement between the employee and the employing agency, the agency shall return the employee to the same or similar position classification that the employee held immediately prior to the commencement of the leave. If there is not such position available, the employee will be subject to layoff in accordance with 80 Ill. Adm. Code 302.Subpart J (Voluntary Reduction and Layoff).
  - m) Nothing in this Section shall preclude the reallocation or abolition of the position classification of the employee during such leave nor shall the employee be exempt from 80 Ill. Adm. Code 302.Subpart J (Voluntary Reduction and Layoff) by virtue of such leave.
  - n) The State shall continue payment of its portion of employee and dependent health and dental insurance premiums for up to 6 months while an employee is on a Family Responsibility Leave consistent with the Federal Family and Medical

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Leave Act of 1993 and subsections (f)(1), (2) and (3) of this Section. For leaves defined by subsections (f)(4), (5) and (6) of this Section, the State shall not continue payment of its portion of employee and dependent health and dental insurance premiums.

(Source: Amended at 28 Ill. Reg. 16308, effective December 3, 2004)

**Section 303.149 Organ Donor Leave**

Leaves of absence shall be allowed to employees who donate an organ or bone marrow as provided in 80 Ill. Adm. Code 332.

(Source: Added at 27 Ill. Reg. 9008, effective May 23, 2003)

**Section 303.150 Employee Rights After Leave**

When an employee returns from a leave of absence of six months or less, the agency shall return the employee to the same or similar position in the same class in which the employee was incumbent prior to commencement of such leave. Except for those leaves granted under Sections 303.155 and 303.160, when an employee returns from a leave or leaves exceeding six months and there is no vacant position available to him/her in the same class in which the employee was incumbent to such leave or leaves commencing, the employee may be laid off in accordance with the rules on voluntary reduction and layoffs.

**Section 303.153 Failure to Return**

Failure to return from leave within 5 days after the expiration date may be cause for discharge.

**Section 303.155 Leave to Take Exempt Position**

An agency may approve leaves of absence for certified employees who accept appointment in a position which is exempt from Jurisdiction B of the Personnel Code. Such leaves of absence may be for a period of one year or less and may be extended for additional periods of one year or less. At the expiration thereof, an employee shall be restored to the same or similar position in the same county from which the leave was granted upon making application of the employing agency with continuous service including the period of such leave, except that employees who are on leave of absence status from positions subject to Term Appointment of January 1, 1980 shall be subject to the provisions of Term Appointment and whose rights shall be terminated under the provisions of this Part if not reappointed pursuant to 80 Ill. Adm. Code 302.840.

(Source: Amended at 19 Ill. Reg. 11775, effective August 7, 1995)

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**Section 303.160 Military and Peace Corps Leave**

Leave of absence shall be allowed employees who enter military service or the Peace or Job Corps as provided in 80 Ill. Adm. Code 302.220 and 302.250 and as may be required by law.

**Section 303.170 Military Reserve Training and Emergency Call-Up**

- a) Any full-time employee who is a member of a reserve component of the Armed Services, the Illinois National Guard or the Illinois Naval Militia, shall be allowed annual leave with pay for one full pay period and such additions or extensions to fulfill the military reserve obligation. Such leaves will be granted without loss of seniority or other accrued benefits.
- b) In the case of an emergency call-up (or order to State active duty) by the Governor, the leave shall be granted for the duration of said emergency with pay and without loss of seniority or other accrued benefit. Military earnings for the emergency call-up paid under "An Act to establish a Military and Naval code for the State of Illinois and to establish in the Executive Branch of the State Government a principal department which shall be known as the Military and Naval Department, State of Illinois and to repeal an Act therein named (Ill. Rev. Stat. 1981, ch. 129, pars. 220.01 et seq.)" must be submitted and assigned to the employing agency, and the employing agency shall return it to the payroll fund from which the employee's payroll check was drawn. If military pay exceeds the employee's earnings for the period, the employing agency shall return the difference to the employee.
- c) To be eligible for military reserve leave or emergency call-up pay, the employee must provide the employing agency with a certificate from the commanding officer of his/her unit that the leave taken was for either such purpose.
- d) Any full-time employee who is a member of any reserve component of the United States Armed Forces or of any reserve component of the Illinois State Militia shall be granted leave from State employment for any period actively spent in such military service including basic training and special or advanced training, whether or not within the State, and whether or not voluntary.
- e) During such basic training and up to 60 days if special or advanced training, if such employee's compensation for military activities is less than his/her compensation as a State employee, he/she shall receive his/her regular compensation as a State employee minus the amount of his/her base pay for military activities. During such training, the employee's seniority and other benefits shall continue to accrue.

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(Source: Amended at 6 Ill. Reg. 10663, effective August 25, 1982)

**Section 303.171 Leave for Military Physical Examinations**

Any permanent employee drafted into military service shall be allowed up to three days leave with pay to take a physical examination required by such draft. Upon request, the employee must provide the employing agency with certification by a responsible authority that the period of leave was actually used for such purpose.

**Section 303.175 Disaster Service Leave With Pay**

Any employee, except those in temporary, emergency or per diem status, who is a certified disaster service volunteer of the American Red Cross or volunteers for assignment to the Illinois Emergency Management Agency in accordance with the Illinois Emergency Management Agency Act [20 ILCS 3305] or the Emergency Management Assistance Compact Act [45 ILCS 151] may be granted leave with pay for up to 20 working days in any 12-month period for disasters within the United States or its territories. The leave may be granted upon request of the American Red Cross or the Illinois Emergency Management Agency for employees to participate in specialized disaster relief services for the American Red Cross or for the Illinois Emergency Management Agency. Leaves under this Section are subject to approval of the employee's agency considering operating needs. Disasters must be *disasters designated at a Level III and above in the American National Red Cross Regulations and Procedures* [5 ILCS 335/2]. The American Red Cross and the Illinois Emergency Management Agency shall coordinate requests for services outside of Illinois through the Illinois State Emergency Operations Center.

(Source: Amended at 30 Ill. Reg. 13857, effective August 2, 2006)

**Section 303.176 Disaster Service Leave With Pay - Terrorist Attack**

In order to provide needed volunteer assistance in response to the terrorist attack that occurred on September 11, 2001, any employee, excepting those in temporary, emergency or per diem status, may be granted leave with pay for up to 20 working days in any 12 month period if such leave is requested by the American Red Cross or the Illinois Emergency Management Agency and approved by the employee's agency.

(Source: Added at 26 Ill. Reg. 1138, effective January 18, 2002)

**Section 303.180 Attendance in Court**

- a) Any permanent employee called for jury duty or subpoenaed by any legislative, judicial or administrative tribunal, shall be allowed time away from work with pay for such purposes. Upon receiving the sum paid for jury service or witness



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fee, the employee shall submit the warrant, or its equivalent, to the agency to be returned to the fund in the State Treasury from which the original payroll warrant was drawn. Provided, however, an employee may elect to fulfill such call or subpoena on accrued time off and personal leave and retain the full amount received for such service.

- b) Emergency or temporary employees shall be allowed time off without pay for such purpose and shall be allowed to retain the reimbursement received therefor.

**Section 303.190 Authorized Holidays**

All employees shall have time off, with full salary payment, on the day designated as a holiday for the following:

New Year's Day

Martin Luther King Day

Lincoln's Birthday

Washington's Birthday

Memorial Day

Independence Day

Labor Day

Columbus Day

Veterans' Day

Thanksgiving Day

Christmas Day

General Election Day

(on which Members of the House of Representatives are elected)

and any additional days proclaimed as holidays or non-working days by the Governor of the State of Illinois or by the President of the United States.

**Section 303.200 Holiday Observance**

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Whenever an authorized holiday falls on Saturday, the preceding Friday shall be observed as the holiday and whenever an authorized holiday falls on Sunday, the following Monday shall be so observed.

**Section 303.215 Payment for Holidays**

Where employees are scheduled and required to work on a holiday, equivalent time off will be granted within the following twelve month period at a time convenient to the employee and consistent with the agency's operating needs.

**Section 303.220 Holiday During Vacation**

When a holiday falls on an employee's regularly scheduled work day during the employee's vacation period, an extra day shall be added to the employee's vacation.

**Section 303.225 Eligibility for Holiday Pay**

To be eligible for holiday pay, the employee shall work the employee's last scheduled work day before the holiday and first scheduled work day after the holiday, unless absence on either or both of these work days is for good cause and approved by the operating agency.

**Section 303.250 Vacation Eligibility**

- a) Employees, except emergency and temporary employees, shall earn vacation time. No employee on leave of absence may earn vacation except when the leave was for the purpose of accepting a temporary working assignment in another class.
- b) Eligible employee shall earn vacation time in accordance with the following schedule:
  - 1) From the date of hire until the completion of 5 years of continuous service: 10 workdays per year of employment.
  - 2) From the completion of 5 years of continuous service until the completion of 9 years of continuous service: 15 workdays per year of employment.
  - 3) From the completion of 9 years of continuous service until the completion of 14 years of continuous service: 17 workdays per year of employment.
  - 4) From the completion of 14 years of continuous service until the completion of 19 years of continuous service: 20 workdays per year of

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employment.

- 5) From the completion of 19 years of continuous service until the completion of 25 years of continuous service: 22 workdays per year of employment.
  - 6) From the completion of 25 years of continuous service: 25 workdays per year of employment.
- c) Vacation time shall be earned in workdays and computed in hours. After an employee's earned vacation time has been so computed, if there remains a fractional balance of  $\frac{1}{2}$  hour or less, the employee shall be deemed to have earned vacation time of  $\frac{1}{2}$  hour in lieu of the fractional balance; if there remains a fractional balance of more than  $\frac{1}{2}$  hour, the employee shall be deemed to have earned a full hour of vacation time in lieu of a fractional balance.
- d) Computation of vacation time of State employees who have interrupted continuous State service shall be determined as though all previous State service that qualified for earning of vacation benefits is continuous with present service. This subsection (e) applies to vacation time earned on or after October 1, 1972.

(Source: Amended at 35 Ill. Reg. 1587, effective January 14, 2011)

**Section 303.260 Prorated Vacation for Part-Time Employees**

Part-time employees shall earn vacation in accordance with the schedule set forth in Section 303.250 on a prorated basis determined by a fraction the numerator of which shall be the hours worked by the employee and the denominator of which shall be normal working hours in the year required by the position.

**Section 303.270 Vacation Schedule and Loss of Earned Vacation**

- a) In establishing vacation schedules, the agency shall consider both the employee's preference and the operating needs of the agency. In any event, upon request, vacation time must be scheduled so that it may be taken not later than 24 months after the expiration of the calendar year in which such vacation time was earned. If an employee does not request and take accrued vacation within such 24 month period, vacation earned during such calendar year shall be lost.
- b) In any calendar year in which an employee is subject to one or more non-bargaining unit furlough programs and completes full participation as verified by the employing agency in all such programs to which the employee was subject,

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vacation time that would have been lost will instead be permitted to accumulate for an additional 12 months.

- c) Vacation time may be taken in increments of not less than  $\frac{1}{4}$  hour after a minimum use of  $\frac{1}{2}$  hour any time after it is earned. Employees subject to a non-bargaining unit furlough program may substitute accrued vacation time for furlough time in order to remain in paid status. Utilization of accrued vacation time for furlough must be in  $\frac{1}{2}$  day or full day increments and must be in accordance with furlough program requirements.

(Source: Amended at 35 Ill. Reg. 1587, effective January 14, 2011)

**Section 303.290 Payment in Lieu of Vacation**

- a) Upon termination of employment by means of resignation, retirement, indeterminate layoff, or discharge, provided the employee is not employed in another position in state service within 4 calendar days of such termination, an employee is entitled to be paid for any vacation earned but not taken or forfeited pursuant to Section 303.270, provided the employee has at least 6 months of continuous service since the latest date of appointment. No other payment in lieu of vacation shall be made except as provided by Section 303.295.
- b) The payment provided in subsection (a) above shall not be deemed to extend the effective date of termination by the number of days represented by said payment.
- c) The payment provided in subsection (a) above shall be computed by multiplying the number of days (hours) of accumulated vacation by the employee's daily (hourly) rate as determined in accordance with 80 Ill. Adm. Code 310.520(a).
- d) The payment provided by this Section shall not be allowed if the purpose of the separation from employment and any subsequent reemployment is for the purpose of obtaining such payment.
- e) The accrued leave amount shall be certified in writing to the employee by the employing agency. This certification may be held by the employee or forwarded to the Retirement System.

(Source: Amended at 16 Ill. Reg. 8368, effective May 21, 1992)

**Section 303.295 Vacation Benefits on Death of Employee**

- a) Upon the death of a State employee, the person or persons specified in Section 14a of "An Act in relation to State Finance" (Ill. Rev. Stat. 1981, ch. 127, par.

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150a), as amended, shall be entitled to receive from the appropriation for personal services theretofore available for payment of the employee's compensation such sum for any accrued vacation period to which the employee was entitled at the time of death.

- b) Such sum shall be computed by multiplying the employee's daily rate by the number of days of accrued vacation due.

## SUBPART C: WORK HOURS AND SCHEDULES

**Section 303.300 Work Schedules**

Each operating agency shall establish its regular work schedule and submit it to the Department for approval. No work schedules of less than 37½ hours per week shall be approved as a regular work week. Any schedule varying from the regular work schedule shall be submitted to the Department for approval. Upon approval, such schedule shall become the work schedule for the employees affected by it for the time period so approved.

**Section 303.310 Emergency Shut-Down**

- a) An agency may request an emergency shut-down of a facility when there occurs a disruption of work at the work site caused by a condition beyond the control of the agency, such as equipment failure, fire, flood, snow, tornado or other natural disaster, or interruption of essential services such as water or electricity.
- b) An emergency shut-down may not exceed five consecutive work days, and requires prior approval of the Director or may be directed by the Governor's Office. It is the responsibility of the requesting agency to notify affected employees of this action. The agency shall attempt to reassign affected employees to alternative work locations during the period the facility is shut down. For employees the agency is unable to reassign, time in non-work status as a result of the emergency shut down is with pay. Those employees on approved sick leave or vacation at time of shut-down shall be reported in accordance with the prior approved absence.

(Source: Amended at 23 Ill. Reg. 13815, effective November 4, 1999)

**Section 303.320 Overtime**

- a) For those positions approved by the Director and designated on lists maintained by the Director, authorized work in excess of an approved work schedule shall be overtime. Such work may be compensated for in cash or compensatory time as determined by the agency provided such designation is in accordance with the

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Fair Labor Standards Act, as amended. Overtime work shall be distributed as equitably as possible among qualified employees competent to perform the services required, when overtime is required, and employees shall be given as much advance notice as possible. Except where required by law, time spent in travel shall not be considered overtime.

- b) Compensatory time, if any is earned hereunder, shall be scheduled at the convenience of the agency after consideration of the employee's preference, but within the fiscal year during which such time was earned. If such compensatory time is not liquidated within the fiscal year during which earned, it shall be liquidated in cash at the end of the fiscal year.

**Section 303.330 Overtime Payable Upon Death**

Upon death of a State employee, the person or persons specified in Section 14a of "An Act in relation to State Finance" (Ill. Rev. Stat. 1981, ch. 127, par. 15a) as now or hereafter amended, shall be entitled to receive from the appropriation for personal services theretofore available for payment of the employee's compensation such sum for accrued overtime as would have been paid or allowed to such employee had the employee survived.

**Section 303.340 Attendance Records**

Each operating agency shall maintain accurate, daily attendance records.

**Section 303.350 Notification of Absence**

An employee shall, whenever possible, provide advance notice of absence from work. Absence of an employee for five consecutive workdays without reporting to the operating agency may be cause for discharge.

**Section 303.355 Review of Attendance Records**

An employee shall have the right to review his/her attendance record on file in his/her operating agency.

## SUBPART D: UNDATED OR INCOMPLETE FORMS

**Section 303.360 Undated Forms**

No supervisor or other person in a position of authority shall demand or request that an employee sign an undated resignation or any blank form. No employee shall be required to sign such a form. Any such demand shall entitle the employee to immediate appeal to the Director.

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**Section 303.370 Incomplete Forms**

Any information placed on a form or any modification or alteration of existing information made on a form subsequent to having been signed by an employee shall be null and void insofar as it may affect the employee, the employee's position or condition of employment. Any employee required to sign any form prepared pursuant to these Rules shall be given a copy of it at the time the employee's signature is affixed.

**Section 303.380 Reason for Separation**

Employees resigning from state employment must set forth their reason(s) for resignation in writing. The document effecting such resignation from state employment shall contain or have attached the reason for the separation.

(Source: Added at 15 Ill. Reg. 14067, effective September 12, 1991)

**Section 303.385 Repayment of Benefit Time**

An employee who returns to employment in any capacity with the same agency within 30 days after termination of previous employment must, as a condition of employment, repay the lump sum amount paid for accrued vacation, overtime and sick leave within 30 days after employment commences. The amount repaid shall be deposited into the fund from which the payment was made or the General Revenue Fund. Upon repayment, the leave time shall be credited to the account of the employee.

(Source: Added at 16 Ill. Reg. 8368, effective May 21, 1992)

## SUBPART F: TUITION REIMBURSEMENT

**Section 303.390 Tuition Reimbursement**

- a) Tuition reimbursement is intended to serve as a management tool for the development of employees and for the attainment of agency goals. It should be administered as a mechanism through which mutual advantages are gained by both the employee and the State. Tuition reimbursement is not an unconditional or unilateral employee right or benefit.
- b) Each agency is responsible for providing budgetary funding for its tuition reimbursement program. The policy administered pursuant to these rules is not intended to alter, replace or diminish the content or use of Federal Grant in Aid, agency sponsored stipend or educational leave of absence programs. In administering this policy, other programs should be distinguished from tuition reimbursement programs and treated separately.

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## c) Policy Guidelines.

The following tuition reimbursement guidelines have been developed so as to provide maximum flexibility and a framework within which a decentralized, but uniform, policy can be administered. These guidelines do not preclude agencies from imposing additional requirements or procedures with regard to tuition reimbursement in response to unique training requirements or budgetary restrictions.

- 1) Eligibility: Any full time employee is eligible for reimbursement consideration. Employees hired on a temporary or emergency basis are not eligible for consideration.
- 2) Tuition and Fees: Reimbursement will apply only toward tuition and lab fees. Additional costs such as for books, matriculation, activity and health fees will not be reimbursable expenses.
- 3) Reimbursement: Reimbursement is not to exceed 100% of tuition and lab costs at public institutions, and 80% at private institutions. Agencies may establish an annual dollar cap per employee, depending upon funds available for the program.
- 4) Satisfactory Course Completion: Reimbursement for an approved course is contingent upon the employee submitting evidence of satisfactory completion (e.g., at least a grade of "C") together with receipts documenting the amount of tuition moneys paid. Reimbursement will be accomplished by means of a standard invoice voucher. At no time shall tuition be paid or reimbursed prior to completion of the course.
- 5) Course Load: Course load should be mutually agreed upon by the employee and his or her supervisor and should not harm an employee's on-the-job effectiveness.
- 6) Course Scheduling: Education and/or career development work should be scheduled as an off-duty activity. When a desired course is not available as an off-duty activity, an employee may use vacation or personal time. An employee and his or her supervisor may also arrange a flexible work schedule, provided such a schedule does not adversely affect work loads in his or her unit of assignment.
- 7) Full Participation: Priority should be given to those courses in which full participation is required on a regular basis and where final grades are issued since such conditions provide a reasonable basis against which



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satisfactory completion can be measured. In those cases where facilities for full participation in classroom instruction are not available or where attendance creates undue hardship, an agency director may approve enrollment in V.A. approved correspondence courses.

- 8) Degree Program: Reimbursement may be approved for work-related courses which are taken to complete requirements for a grammar school certificate or high school diploma, and for courses that lead to the upgrading of skills for the performance of an employee's assigned work responsibilities. Reimbursement may also be approved for work-related courses toward completion of college or graduate level degree programs.
  - 9) Enrollment: Applicants will be required to gain approval from their supervisors and agency director (or authorized representative) prior to course enrollment.
  - 10) Aid From Other Source: In applying for tuition reimbursement, an employee will indicate whether (s)he is or is not receiving aid from other sources (such as the G.I. bill, Federal Grants, Scholarships, etc.). The fact that an employee is eligible for or receiving aid from another source does not render him or her ineligible for participation in the Tuition Reimbursement Program. However, tuition reimbursement should be made only toward the balance between the outside aid awarded and the remaining tuition due.
  - 11) Exclusions: Reimbursement is not intended to apply to in-service training conducted within the agency, nor is it intended to apply to workshops, professional conferences, seminars, or other short term programs.
- d) Work Commitment/Pay Back. Employees receiving tuition reimbursement from the State shall incur a work commitment to the State.
- 1) Except as provided in subsection (d)(6) below, if State-paid training did not lead to a post secondary degree, employees shall be obligated to continue in the employ of the State for a period of at least 18 months following completion of the most recent course.
  - 2) If State-paid training did lead to a post secondary degree (i.e., Bachelors, Masters or other higher level professional or post graduate degree) and the State paid for 50% or more of the hours required to earn the degree, employees shall be obligated to continue in the employ of the State for a minimum of four (4) years after receiving the degree. Course work begun before January 1, 1992, shall not be counted as part of the 50%

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requirement under this Section.

- 3) The tuition reimbursement agreement that is executed pursuant to this Section may require the employee to provide written status reports on his/her progress toward receiving a post secondary degree.
- 4) If the employee voluntarily leaves State employment prior to fulfilling this work commitment, the agency that paid the tuition may recover payments in addition to interest at the rate of 1% per month from the time the State makes the payment until the time the State recovers the payment.
- 5) The amount owed by an employee shall be reduced by 25% for each year the employee works for the State after the employee receives a post secondary degree, or by  $\frac{1}{18}$ th of the gross amount for each month the employee works for the State after completing the most recent course which does not lead to a post secondary degree.
- 6) This Section may not be used as the basis for recovering payments for course work that was started before January 1, 1992; was completed as a requirement for a grammar school certificate or a high school diploma; was to prepare for a high school level General Educational Development Test or to improve literacy or numeracy; specialized training in the form of a conference, seminar, workshop or similar arrangement offered by public or private organizations; was provided as part of the Upward Mobility Program administered by the Department of Central Management Services; or was a condition of continued employment.

(Source: Added at 19 Ill. Reg. 8130, effective June 7, 1995)

## SUBTITLE B

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND  
POSITION CLASSIFICATIONS

## CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 304  
GENERAL PROVISIONS

## Section

304.10	Public Records
304.20	Time and Manner of Inspection
304.30	Employee Roster Files
304.40	Confidential Records
304.45	Examination Material
304.50	Portability of Certain Benefits
304.55	Prohibited Disclosure
304.60	Provisions: Grant-in-Aid Agencies
304.70	Effective Date of Rules
304.80	Savings Clause
304.110	Interpretation and Application of Rules

**AUTHORITY:** Implementing and authorized by the Personnel Code (Ill. Rev. Stat. 1981, ch. 127, pars. 63b101 et seq.).

**SOURCE:** Filed May 29, 1975; emergency amendment at 3 Ill. Reg. 48, p. 188, effective January 1, 1980 for a maximum of 150 days; amended at 4 Ill. Reg. 11, p. 67, effective March 1, 1980; amended at 6 Ill. Reg. 10663, effective August 25, 1982; codified at 7 Ill. Reg. 13198; amended at 8 Ill. Reg. 15364, effective August 8, 1984.

**Section 304.10 Public Records**

Except as otherwise provided in this Part, all records of the Department of Central Management Services, including eligible lists, shall be public records and shall be available for inspection on request to the Director.

**Section 304.20 Time and Manner of Inspection**

- a) The records of the Department shall be available for inspection during regularly scheduled hours of work. Such records may be inspected only in the presence of an authorized employee of the Department.
- b) In the event that working conditions or the number of persons inspecting such records, or the volume of records to be inspected, interfere with the operations of

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the Department, the Director may schedule appointments for the inspection of such records.

**Section 304.30 Employee Roster Files**

The Director shall establish and maintain personnel files for employees subject to the Personnel Code showing the name, sex, county of residence, date of birth, date of original appointment to the State service, date of promotions, demotions, transfers, and other transactions, present position title, status, salary, and the operating agency wherein the employee is assigned.

**Section 304.40 Confidential Records**

The following records of the Department of Central Management Services shall be confidential and not available for public inspection.

- a) Personal history of employee. The employee or authorized agent may inspect the employee's personal history and personnel file.
- b) Reports of medical, psychological and psychiatric examinations. An employee may inspect such reports pertaining to him or her.
- c) All parts of examinations. An employee or applicant may inspect his/her answer sheet.
- d) The identity, complete questionnaire and other documents related to salary surveys. Results of salary surveys shall be available.
- e) No records of personnel transactions including requisitions and referrals will be made available until such transactions have been completed and no personal history contained on such transactions shall be available for public inspection.

**Section 304.45 Examination Material**

All test and/or examination materials are confidential and are the property of the Department of Central Management Services. No examination candidate shall copy, record or transcribe any examination or answer, nor remove from the examination room any test booklet, answer sheet or other papers or materials related to the content of such examination, under penalties as set forth in the Personnel Code. No person shall remove any examination materials from the State premises nor shall any Department of Central Management Services employee communicate the content of any examination or answers to questions therein, orally or in writing, to any other person except in the usual course of the employee's duties or by direction of lawful authority, under penalties of the Personnel Code.

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**Section 304.50 Portability of Certain Benefits**

Vacation and sick leave earned but not taken by State employees in the course of State employment not subject to the Personnel Code shall be deemed to have been earned by them at the time he/she becomes subject to such jurisdiction to the extent such benefits are provided and would have been earned hereunder.

(Source: Amended at 4 Ill. Reg. 11, p. 67, effective March 1, 1980)

**Section 304.55 Prohibited Disclosure**

*In any case involving any disclosure of information by an employee which the employee reasonably believes evidences...a violation of any law, rule or regulation; or...mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety if the disclosure is not specifically prohibited by law, the identity of the employee may not be disclosed without the consent of the employee during any investigation of the information and matters related to such information.*

(Source: Amended at 8 Ill. Reg. 15364, effective August 8, 1984)

**Section 304.60 Provisions: Grant-in-Aid Agencies**

To the extent required for grant eligibility by Federal laws, any State department or agency administering a program financed in whole or in part by Federal funds shall have personnel rules or regulations applicable to such grant-in-aid programs including:

- a) the authority to make appointments to vacancies, promotions, reassignments and transfers, including geographical transfers, demotions, suspensions, discharges, and to take any other disciplinary actions; except that all employees shall retain such rights of appeal and hearing to the Civil Service Commission as provided in the Personnel Code and the Personnel Rules.
- b) prohibition of exemption of positions pursuant to the provisions of Section 4d(3) of the Personnel Code, except those specifically permitted under the "Federal Standards for a Merit System of Personnel Administration" of the United States Department of Labor.
- c) the authority to make provisional and temporary appointments in the absence of a register of eligibles, and then only pending competitive examination. Each such appointee must meet the minimum qualifications established for the class of positions, and no individual may receive successive provisional, temporary or emergency appointments.

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SUBTITLE B**Section 304.70 Effective Date of Rules**

These rules and amendments thereto shall become effective upon filing copies with the Secretary of State, except that, in case of emergency, these rules and 80 Ill. Adm. Code 301, 302, 303 and 305, or amendments thereto, may become effective immediately upon such filing if accompanied by a certificate executed by the Director pursuant to applicable provisions of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, pars. 1001-1 et seq.).

**Section 304.80 Savings Clause**

If any Section, or part of any Section, of 80 Ill. Adm. Code 304, Subtitle B, Chapter I and 80 Ill. Adm. Code 301, 302, 303 and 305 shall be held invalid, the remaining provisions of these Parts shall have, and be given, full force and effect as completely as if the invalidated part had not been included therein.

**Section 304.110 Interpretation and Application of Rules**

The Director of Central Management Services shall determine the proper interpretation and application of each rule of the Department of Central Management Services. The decision of the Director as to the proper interpretation or application of any such rule shall be final and binding upon all agencies and employees affected thereby unless or until modified or reversed by the Civil Service Commission or the courts. All agencies and employees shall comply with the Director's decision in the absence of a written opinion of the Attorney General or a written directive of the Civil Service Commission declaring the Director's decision to be unlawful.

## SUBTITLE B

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND  
POSITION CLASSIFICATIONS

## CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 305  
EXTENSIONS OF JURISDICTION

## Section

305.50	Extends Jurisdiction A, B & C
305.60	Extends Jurisdiction A, B & C (July 1, 1970)
305.70	Extends Jurisdiction A, B & C (July 1, 1970)
305.80	Extends Jurisdiction A, B & C (August 1, 1970)
305.90	Extends Jurisdiction A, B & C (August 1, 1971)
305.100	Extends Jurisdiction A, B & C (November 16, 1971)
305.110	Extends Jurisdiction A, B & C (April 1, 1972)
305.120	Extends Jurisdiction A, B & C (May 1, 1972)
305.130	Extends Jurisdiction A & C (October 1, 1972)
305.140	Extends Jurisdiction A & C (October 1, 1972)
305.150	Extends Jurisdiction A, B and C (November 1, 1972)
305.160	Extends Jurisdiction B, Except 8b.1, 8b.3 and 8b.5 (January 1, 1973)
305.170	Extension of Jurisdiction
305.180	Termination of Extension of Jurisdiction
305.190	Extension of Jurisdiction
305.200	Third Extension of Jurisdiction to Office of the Treasurer
305.210	Extends Jurisdiction A, B and C (December 1, 1998)
305.220	Extends Jurisdiction A, B and C (December 1, 1998)
305.230	Extends Jurisdiction A, B and C (July 16, 2002)
305.240	Extends Jurisdiction A, B and C (April 7, 2005)
305.250	Extends Jurisdiction A, B and C (January 16, 2006)
305.260	Extends Jurisdiction A, B and C (November 30, 2008)
305.270	Extends Jurisdiction A, B and C (December 30, 2009)
305.280	Extends Jurisdiction A, B and C (June 1, 2011)

AUTHORITY: Implementing and authorized by Section 4b of the Personnel Code [20 ILCS 415/4b].

SOURCE: Filed May 29, 1975; emergency amendment at 2 Ill. Reg. 46, p. 3, effective January 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 1, p. 61, effective January 1, 1979; codified at 7 Ill. Reg. 13214; amended at 10 Ill. Reg. 21643, effective December 15, 1986; amended at 22 Ill. Reg. 21302, effective December 1, 1998; emergency amendment at 26 Ill. Reg. 12060, effective July 16, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16150, effective October 18, 2002; emergency amendment at 29 Ill. Reg. 5751, effective April 7, 2005,

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for a maximum of 150 days; emergency expired September 3, 2005; amended at 29 Ill. Reg. 14530, effective September 14, 2005; emergency amendment at 30 Ill. Reg. 1378, effective January 16, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 9321, effective May 4, 2006; amended at 32 Ill. Reg. 18931, effective November 30, 2008; amended at 34 Ill. Reg. 834, effective December 30, 2009; amended at 35 Ill. Reg. 8982, effective June 1, 2011.

**Section 305.50 Extends Jurisdiction A, B & C**

- a) Professional Service of the State Library, July 1, 1964, the Business Machines Professional Service of the Driver's License Division in the Office of the Secretary of State, August 16, 1964.
- b) Banking Division of the Office of the State Treasurer, August 2, 1966.
- c) Data Processing Division in the Internal Auditing Division and in the Municipal County Public Moneys Code Auditing Division in the Office of the Auditor of Public Accounts, March 7, 1968.

**Section 305.60 Extends Jurisdiction A, B & C (July 1, 1970)**

Switchboard Operator Section of the Office of the Secretary of State transferred to the Telecommunications Division of the Department of General Services pursuant to P.A. 76-1029 (Ill. Rev. Stat. 1981, ch. 127, par. 63(b)13.18).

**Section 305.70 Extends Jurisdiction A, B & C (July 1, 1970)**

Federal Surplus Property Unit of the Department of General Services.

**Section 305.80 Extends Jurisdiction A, B & C (August 1, 1970)**

Office Supply Section of the Division of Purchases and Supplies, Department of General Services as the result of the passage of P.A. 76-1397 (Ill. Rev. Stat. 1981, ch. 127, par. 63(b)13.9) and P.A. 76-1398 (Ill. Rev. Stat. 1981, ch. 127, par. 144.16).

**Section 305.90 Extends Jurisdiction A, B & C (August 1, 1971)**

Illinois Law Enforcement Commission.

**Section 305.100 Extends Jurisdiction A, B & C (November 16, 1971)**

Division of Investigation of the Secretary of State.

**Section 305.110 Extends Jurisdiction A, B & C (April 1, 1972)**



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The following Divisions, Bureaus, and Offices of the Secretary of State, except as otherwise herein provided:

Motor Vehicle Services for which code coverage does not currently exist, and the offices or divisions of Court of Claims, Personnel, Fiscal Control, Research, Corporation, Securities, Index, Uniform Commercial Code, Archives and Records, State Library, and Accounting Revenue and the Office of Building Management.

**Section 305.120 Extends Jurisdiction A, B & C (May 1, 1972)**

Technical and engineering positions hitherto exempt by virtue of the provisions of Section 4c(12) of the Personnel Code and among those specified in Public Act 77-246 in the Division of Real Estate and the Engineering Section of the Telecommunications Division of the Department of General Services.

**Section 305.130 Extends Jurisdiction A & C (October 1, 1972)**

Technical and engineering positions hitherto exempt by virtue of the provisions of Section 4c(12) of the Personnel Code, in the Construction Management Division of the Department of General Services.

**Section 305.140 Extends Jurisdiction A & C (October 1, 1972)**

Public Utility Accountants and Public Utility Engineers in the Public Utility Division of the Illinois Commerce Commission.

**Section 305.150 Extends Jurisdiction A, B and C (November 1, 1972)**

Motor Carrier Enforcement Officers including the Assistant Supervisor and Supervisor, in the Motor Carrier Enforcement Section of the Motor Carrier of Property Division of the Illinois Commerce Commission.

**Section 305.160 Extends Jurisdiction B, Except 8b.1, 8b.3 and 8b.5 (January 1, 1973)**

All Chaplain positions in the Department of Corrections, the Department of Mental Health, and the Department of Children and Family Services.

**Section 305.170 Extension of Jurisdiction**

Effective June 1, 1977, Jurisdiction A, B and C of the Personnel Code will be extended to all non-Code employees of the Divisions of Cash Management, Time Deposit and Collateral,

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Accounting, Warrant, and Electronic Data Processing of the State Treasurer's Office. Employees of these divisions serving prior to June 1, 1977, will be required to qualify within six months in the same kind of examination as those required for entrance examinations for comparable positions. All appointments subsequent to June 1, 1977, will be made pursuant to provisions of the Illinois Personnel Code and the Rules of the Department of Central Management Services. No provision of this Section in any way affects the status of employees already holding certified status under the Illinois Personnel Code. All other provisions of the Illinois Personnel Code and Rules of the Department of Central Management Services will apply to employees of the above named divisions effective June 1, 1977.

**Section 305.180 Termination of Extension of Jurisdiction**

As provided for in Section 4b(4) of the Personnel Code, effective January 1, 1978, Jurisdiction A, B and C of the Personnel Code is terminated for those positions in the Office of the State Comptroller (formerly Auditor of Public Accounts) which were extended Jurisdiction as reflected in Section 305.50(c). No provision of this Section will affect the certified status of employees in their current positions.

**Section 305.190 Extension of Jurisdiction**

Effective January 1, 1979, Jurisdiction A, B and C of the Personnel Code will be extended to all employees in the Governor's Office of Manpower and Human Development. Employees employed prior to January 1, 1979, will be required to qualify within six months in the same kind of examinations as those required for entrance examinations for comparable positions. All appointments subsequent to January 1, 1979, will be made pursuant to provision of the Illinois Personnel Code and Rules of the Department of Central Management Services. No provision of this Section, in any way, affects the status of employees in the agency already holding certified status under the Illinois Personnel Code pursuant to Federal Merit System requirements. All other provisions of the Personnel Code and Rules of the Department of Central Management Services will apply to the employees being brought under the Code effective January 1, 1979.

(Source: Added at 3 Ill. Reg. 1, p. 61, effective January 1, 1979)

**Section 305.200 Third Extension of Jurisdiction to Office of the Treasurer**

Effective December 15, 1986, Jurisdiction A, B and C of the Personnel Code will be extended to all non-Code employees in the Division of Administrative Services and the Division of Security of the Office of the State Treasurer. Employees of these divisions serving prior to December 15, 1986, will be required to qualify within six months in the same kind of examination as the entrance examination for a comparable position. All appointments in these divisions made subsequent to December 15, 1986, will be made pursuant to provisions of the Illinois Personnel Code and the Personnel Rules of the Department of Central Management Services. No provision of this Section in any way affects the status of any employee in the Office of the State Treasurer

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already holding certified status under the Illinois Personnel Code. All other provisions of the Illinois Personnel Code and the Personnel Rules of the Department of Central Management Services will apply to the employees of above named divisions effective December 15, 1986.

(Source: Added at 10 Ill. Reg. 21643, effective December 15, 1986)

**Section 305.210 Extends Jurisdiction A, B and C (December 1, 1998)**

Effective December 1, 1998, Jurisdiction A, B and C of the Personnel Code will be extended to all current Military Security Guard I and II employees in the Department of Military Affairs. Employees of these positions serving prior to December 1, 1998 will be required to qualify within six months in the same kind of examination as those required for entrance examinations for comparable positions. All appointments subsequent to December 1, 1998 will be made pursuant to provisions of the Illinois Personnel Code and Rules of the Department of Central Management Services.

(Source: Added at 22 Ill. Reg. 21302, effective December 1, 1998)

**Section 305.220 Extends Jurisdiction A, B and C (December 1, 1998)**

Effective December 1, 1998, Jurisdictions A, B and C of the Personnel Code will be extended to previously non-Code employees of the Illinois Racing Board who are in positions identified by the Board, with concurrence of the Director of Central Management Services and the Civil Service Commission, as not meeting the criteria for exemption set forth in 230 ILCS 5/9(h). Employees serving, as of December 1, 1998, in positions to which the Personnel Code is extended will be required to qualify within six months in the same kind of examination as those required for entrance examinations for comparable positions. All appointments subsequent to December 1, 1998 in such positions will be made pursuant to provisions of the Illinois Personnel Code and the Personnel Rules of the Department of Central Management Services. No provision of this Section in any way affects the status of employees already holding certified status under the Illinois Personnel Code. All other provisions of the Illinois Personnel Code and Personnel Rules of the Department of Central Management Services will apply to employees covered by the above provisions effective December 1, 1998.

(Source: Added at 22 Ill. Reg. 21302, effective December 1, 1998)

**Section 305.230 Extends Jurisdiction A, B and C (July 16, 2002)**

Effective July 16, 2002, Jurisdictions A, B and C of the Personnel Code will be extended to all non-Code, non-supervisory positions in the Capital Development Board Office of Information Systems, which includes the professional and technical specialist positions responsible for information technology services at the Board. Employees of this office serving prior to July 16, 2002, will be required to qualify within six months in the same kind of examination as the

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entrance examination for a comparable position. All appointments in these divisions made subsequent to July 16, 2002, will be made pursuant to provisions of the Illinois Personnel Code and the Personnel Rules of the Department of Central Management Services. No provision of this Section in any way affects the status of any employee in the Capital Development Board already holding certified status under the Illinois Personnel Code. All other provisions of the Illinois Personnel Code and the Personnel Rules of the Department of Central Management Services will apply to the employees of the above named office effective July 16, 2002.

(Source: Added at 26 Ill. Reg. 16150, effective October 18, 2002)

**Section 305.240 Extends Jurisdiction A, B and C (April 7, 2005)**

Effective April 7, 2005, Jurisdictions A, B and C of the Personnel Code [20 ILCS 415] will be extended to all non-Code, non-supervisory positions in the Capital Development Board Office of Legal Counsel, which includes the para-professional positions responsible for paralegal services in the Capital Development Board, Office of Legal Counsel; Office of Information Management, which includes the technical positions responsible for recording, filing and retrieval of documents for design and construction projects at the Capital Development Board; Office of Fiscal Management, which includes the para-professional positions responsible for processing obligations, vouchers, and other administrative fiscal activities at the Capital Development Board; Office of Fair Employment Practices, which includes the professional positions responsible for monitoring minority and female workforce compliance activities at the Capital Development Board; Office of Contract Administration, which includes the para-professional positions responsible for the review and certification, but not the negotiation, of contracts under the Illinois Procurement Code [30 ILCS 500] and procurement rules (44 Ill. Adm. Code 1) and Capital Development Board rules (44 Ill. Adm. Code 910, 950, 980 and 1000); Construction Administration, Division of Professional Services, which includes the para-professional positions responsible for the administrative support services to the technical unit of the Capital Development Board; Construction Administration, which includes para-professional positions responsible for monitoring the flow of project documents and tracking of projects throughout construction stage for the Capital Development Board; Office of Public Affair, which includes the technical position responsible for the duplication and reproduction of printed material at the Capital Development Board; Office of Art-in-Architecture, which includes the technical position responsible for the design of Art-in-Architecture publications and administrative support to the Art-in-Architecture Program of the Capital Development Board; Office of Quality Based Selection, which includes para-professional positions responsible for reviewing prequalification applications, establishing and processing prequalifications and retaining relevant prequalification information for the project procurement process of the Capital Development Board. Employees of these offices serving prior to April 7, 2005 will be required to qualify within 6 months in the same kind of examination as the entrance examination for a comparable position. All appointments in these divisions made subsequent to April 7, 2005 will be made pursuant to provisions of the Illinois Personnel Code [20 ILCS 415] and the personnel rules (80 Ill. Adm. Code 301-303) of the Department of Central Management Services. No provision of this Section

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in any way affects the status of any employee in the Capital Development Board already holding certified status under the Illinois Personnel Code [20 ILCS 415]. All other provisions of the Illinois Personnel Code [20 ILCS 415] and the personnel rules (80 Ill. Adm. Code 301-303) of the Department of Central Management Services will apply to the employees of the above named offices effective April 7, 2005.

(Source: Added at 29 Ill. Reg. 14530, effective September 14, 2005)

**Section 305.250 Extends Jurisdiction A, B and C (January 16, 2006)**

Effective January 16, 2006, Jurisdictions A, B and C of the Personnel Code [20 ILCS 415] will be extended to all non-Code, non-supervisory positions that include the classifications of Administrative Assistant I, Administrative Assistant II and Administrative Assistant III in the Capital Development Board and the Illinois Commerce Commission; all non-code, non-supervisory positions that include the classifications of Desktop Technician, General Services Technician, Business Analyst II, System Engineer I, System Engineer II, System Engineer III, System Developer I, System Developer II, System Developer III and Administrative Coordinator in the Illinois Commerce Commission; all non-code, non-supervisory positions that include the classification of Nuclear Safety Policy Analyst I who perform the functions of review of agency records management policies in the Illinois Emergency Management Agency. Employees of these offices serving prior to January 16, 2006 will be required to qualify within 6 months in the same kind of examination as the entrance examination for a comparable position. All appointments in these divisions made subsequent to January 16, 2006 will be made pursuant to provisions of the Illinois Personnel Code and the Personnel Rules (80 Ill. Adm. Code 301-303). No provision of this Section in any way affects the status of any employee in the Capital Development Board, the Illinois Commerce Commission or the Illinois Emergency Management Agency already holding certified status under the Illinois Personnel Code. All other provisions of the Illinois Personnel Code and the Personnel Rules of the Department of Central Management Services will apply to the employees of the above named offices effective January 16, 2006.

(Source: Added at 30 Ill. Reg. 9321, effective May 4, 2006)

**Section 305.260 Extends Jurisdiction A, B and C (November 30, 2008)**

- a) Effective November 30, 2008, the Personnel Code Jurisdictions A, B and C will be extended to the Capital Development Board positions in the non-code classifications of Assistant Personnel Officer, responsible for a range of human resources services; Coordinator of Administrative Services, who supervises and assists with office support activities and advertises, schedules and checks bid openings and documents for the Office of Operations; Executive Assistant 1, who provides secretarial and administrative support services to program managers at

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the Board; and Fiscal Executive, responsible for performing advanced accounting, financial reporting and analyses.

- b) Effective November 30, 2008, the Personnel Code Jurisdictions A, B and C will be extended to the Illinois Commerce Commission positions in the non-code classifications of Accounts Processing Analyst, performing account technician work.
- c) Employees of these divisions serving prior to November 30, 2008 will be required to qualify within six months in the same kind of examination as those required for entrance examinations for comparable positions. All appointments subsequent to November 30, 2008 will be made pursuant to provisions of the Illinois Personnel Code and the Rules of the Department of Central Management Services (80 Ill. Adm. Code 301 through 303). No provision of this Section in any way affects the status of employees already holding certified status under the Personnel Code. All other provisions of the Personnel Code and Rules of the Department of Central Management Services (80 Ill. Adm. Code 301 through 303) will apply to employees of the above-named divisions, effective November 30, 2008.

(Source: Added at 32 Ill. Reg. 18931, effective November 30, 2008)

**Section 305.270 Extends Jurisdiction A, B and C (December 30, 2009)**

- a) Effective December 30, 2009, the Personnel Code Jurisdictions A, B and C will be extended to the Department of Central Management Service's Bureau of Communication and Computer Services positions performing work as network or systems engineers, managers and fiscal and support staff that were transferred into the Department from the Board of Higher Education's Illinois Century Network or information technology staff consolidated from the Illinois Department of Transportation.
- b) With the exception of those employees who have already been determined qualified, the foregoing affected employees in the Bureau will be required to qualify within six months in the same kind of examination as those required for entrance examinations for comparable positions. All other appointments subsequent to December 30, 2009 will be made pursuant to provisions of the Illinois Personnel Code and the rules of the Department of Central Management Services (see 80 Ill. Adm. Code 301, 302, 303, 304, 310 and 320). No provision of this Section in any way affects the status of employees already holding certified status under the Illinois Personnel Code. All other provisions of the Illinois Personnel Code and rules of the Department of Central Management Services will apply to the affected employees effective December 30, 2009.

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(Source: Added at 34 Ill. Reg. 834, effective December 30, 2009)

**Section 305.280 Extends Jurisdiction A, B and C (June 1, 2011)**

- a) Effective June 1, 2011, the Personnel Code Jurisdictions A, B and C will be extended to the Department of Central Management Services' Bureau of Communication and Computer Services positions performing work as Program Manager, Technical Manager V or Network Engineer Manager II; to the Department of Central Management Services' Illinois Office of Communication and Information position performing work as Technical Manager V, and to the Department of Central Management Services' Bureau of Benefits position performing work as Technical Manager V.
- b) With the exception of those employees who have already been determined qualified, the affected employees cited in subsection (a) will be required to qualify within six months in the same kind of examination as those required for entrance examinations for comparable positions. All other appointments subsequent to June 1, 2011 will be made pursuant to provisions of the Illinois Personnel Code and the rules of the Department of Central Management Services (see 80 Ill. Adm. Code 301, 302, 303, 304, 310 and 320). No provision of this Section in any way affects the status of employees already holding certified status under the Illinois Personnel Code. All other provisions of the Illinois Personnel Code and rules of the Department of Central Management Services will apply to the affected employees effective June 1, 2011.

(Source: Added at 35 Ill. Reg. 8982, effective June 1, 2011)